

THE WARSTICY



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Toronto, - - - March 10, 1882.



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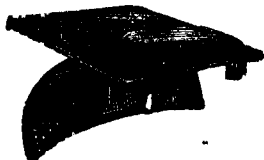
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Vol. 2. No. 21.

March 10, 1882.

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UNIVERSITY LEGISLATION,

Or rather, the want of University legislation. Once more have the reasonable reforms asked for by Convocation been refused. We are informed that the chairman of the Legislation Committee was calmly informed the other day: "There will be no legislation this Session in regard to University matters." No reason given, no apology or excuse attempted or offered—a simple refusal. How long are our graduates going to stand this nonsense? This is the second time they have been so treated. The first time they did get their ideas put into the shape of a First Reading. Poor ideas, they dwindled very much on the Second Reading, and vanished on the third. This year they scarcely take shape before they are ruthlessly trampled on. What are the University men who are members of the House doing? They know well enough what their fellow-graduates want. They believe the demands reasonable. Why do they not come out of their shells? If the Minister or the Ministry are too timid or too self-satisfied to move, public opinion will back up the independent man who has the courage to formulate the measures proposed by Convocation in a Bill, and ask the House to pass it. We suppose the old answer will be given: "It will embarrass the Party." Nothing can be done this Session. The world will go on as usual, we suppose; but these slights, these rebuffs, these contemptuous rejections, will have their effect. There is a spirit abroad in University matters which is growing stronger and stronger. It is gradually getting voice, and a few earnest leaders have been striving to give it volume. That voice will yet thunder in the legislative halls of Ontario, and we shall see if the graduates of the University cannot get what they ask. Is it the deliberate intention of the University Act that the graduates shall not have any voice in the management of her affairs? They should have the most potent voice. Is it intended that Convocation should be a farce? It may yet be found to be a stern reality. Is it intended that the light should be kept any longer under a bushel? The day for that has gone. The sooner those in authority recognize that such is the case the better. We hope that it will not be said of a wise Minister—a prudent Minister—a Reform Minister, *mene, mene, tekel, upharsin*.

A third time, Graduates, ask again. The fight has only begun. We almost expected that it was a delusive hope to dream that this Session would see your wishes realized. It takes a good deal to move even a Reform machine apparently. The outside public know little or nothing of what you want. The work will have to be done by yourselves. If you want University matters set right you are the persons who should do it. The responsibility rests with you, and with you will remain the satisfaction when the fight is won.

THE GREEK PLAY.

Now that the time is drawing near when the reputation and ability of our Undergraduates is to be put to so crucial a test, it would seem that enthusiasm must, by some as yet unheard of surgical operation be implanted in their breasts. When we con-

sider, on the one hand, what credit will be ours if we give a successful rendering of the *Antigone*—a success which will be reflected not only on the actors and Chorus, but also on our Alma Mater—and on the other, what shame and degradation will befall us if, through want of proper support in those quarters whence support can most reasonably, and as a matter of right be expected, the production of the Play should prove a failure, or, what is not such a remote alternative as one would at first suppose, should have to be abandoned altogether, surely it is worth while striving to gain the one which would enhance our position as the University of the Dominion, and to avoid that other which would lower us in the eyes of the world and make us a laughing-stock for all ages. The project we have in hand is no unambitious one, and, perhaps, on that account it will be said that failure will be less of a disgrace, but we shall be criticized the more severely since, having presumed to fly so high, our fall will be greater; so let us only concentrate our energies and put forth efforts in every way worthy of the object in view, and we venture to predict that "failure" is a word which will not be found in our vocabulary, or at all events should not. After all so large a component in human nature is vanity, that unless some credit or glory is to be reflected on each individual co-partner in an undertaking, there will be found that lack of ambition which at present characterizes the conduct of some who should be most active in seconding efforts, which successfully carried to a conclusion will redound to the credit of the individual and of the University. Let us then bear this in mind—if we must draw this conclusion, degrading though it be, that our prestige as a College is not worth striving for, but that each man's own vanity must be flattered—that every effort now put forth for the success of the Play, and success it needs must be if this be done, will surely be an additional feather in the cap of the individual.

Want of time is a common excuse alleged to cover what one can see with a glance is only want of a little self-denial, and it does seem to be a blot on human character in general and on the character of Undergraduates of Toronto University in particular, that, the moment you attempt to induce a man to sacrifice his individual pleasure for a moment, then are you met by an adamant wall of selfishness masked by a small show of reasonableness. Now suppose a man works eight hours a day, and no man working steadily can do more, surely out of the number of hours left, an hour and a half, or two hours could be given up twice or three times a week for so worthy an object. Moreover, experience teaches that it is the really regular workers who are conscientious and do their best to attend the meetings of the Glee Club, for it is to some members of that organization that these remarks apply, while those who really have time and to spare, are the very ones who will pander to their own paltry pleasures, and when these are in any danger of being interfered with, are the first to cry "no time." The indifference of these men is shown in the very fact that, although Professor Hutton, whose example might well be followed by all in respect to pains-

taking, has volunteered at no little trouble to himself to translate the Greek of the choruses to the singers, very few men attend on these occasions, and even these few are evidently impatient of instruction. But where are the gentlemen who do not attend at these times, to learn the meaning of the words so as to give due emphasis and expression to them at the performance? Why! they evolve it out of their inner consciousness of course, and it would seem that conceit might hence reasonably be supposed to form a very large ingredient in the character of the average Undergraduate.

Another bad feature is, that a number of men have, almost at the eleventh hour, suddenly grown tired of a little extra exertion, and having disposed of their scores have evidently made up their little minds to leave their fellows in the lurch; now it would simply be a disgrace to a College of our pretensions, which ostensibly supports a Glee Club of about seventy members, that, in order to produce the play, outside assistance should have to be sought, and what an anomalous position we should occupy! It certainly is not too much to ask that each man should strive to the utmost to avert disgrace from his Alma Mater, and make up his mind "*οὔτοι γυναικὸς οὐδαμῶς ἠδῶντέα.*" C.

In December last it will be well remembered the Police Magistrate convicted a Law-student for disorder; on Wednesday last Judge Boyd quashed that conviction for the reason that the By-law under which it was made was not properly sworn to and executed at the time of convicting. Had not this technical point arisen, there is no doubt but that the Jury would, on the evidence, have done the same thing as the Judge did. During the trial Policeman Long, who made the arrest, swore that he did so before any disorder had been created, while another member of the Force swore that he did not, and the genial Serjeant Stark was forced to admit that he could not swear that the prisoner had ever taken a drink in his life, although some time previously he made the statement on oath that he had been drinking before he came to the Police Station. The contradictory statements of the Constables were beautiful for their simplicity. Much of the evidence differed materially from that taken before the Police Magistrate; but this may be set down to the fact that Judge Boyd did not evince such a decided tendency to believe the Police in preference to the Students as the inferior magistrate did, and there pervaded the whole trial on appeal an atmosphere of impartiality that was not present in the Police Court room. There was, too, an absence of that egotistic authority and legislation which made listening to the first trial almost unbearable. The question as to whether the prisoner as one of the procession was disorderly or not was ruled out for consideration, and it will be remembered that the Police Magistrate made this one of his strongest grounds for convicting. That the procession was not disorderly until some time after being molested and attacked by the police, Vice-Chancellor Mulock was there to swear: was there to swear that he walked himself with the procession that night because he was proud of the Students who formed it. The County Crown Attorney tried to die hard, but his collapse was quick, though painful.

Attention is directed to a letter from C. W. G. in another column which speaks for itself.

TWO FRAGMENTS.

I. A COMMON-PLACE.

* * * * *
There never was a hand that moved
Without its destined sphere—
To bring a smile by kindly deed,
Or chase away a tear;
To point the road that leads aright,
To turn the feet that stray;
To scatter roses on some path
Or pluck the thorns away.

II. A FRAGMENT—with a Moral.

* * * * *
The flower that opes 'neath morning skies,
To wither at the eve,
When every petal fades and dies,
A fragrance sweet may leave.

H. L. D.

A CURE FOR ÆSTHETICISM.

My dear Miss —, just suppose,
How could I paint the accruing woes!
Æsthetic tendencies to true high art
Should, lightning-like, strike your tender heart:
A tendency your words to mumble,
Or take an odd æsthetic tumble;
To love faint lilies that nor spin nor toil;
Use three times daily St. Jacob's Oil.

THE ASHCAT.

OBSERVATIONS BY THE PATRIARCH STUDENT.

At the sale of the Duke of Hamilton's (Beckford) library in June will come into the market the precious illuminated folio MS. of Dante's 'Divina Commedia,' illustrated with outline designs by the hand of Sandro Botticelli and other artists of the Quattrocento.

* * *
"WHAT are you going to give your sweetheart on her birthday?" we asked Spot. "Don't you find it rather difficult to fix on something appropriate?"

"Oh, no! that don't trouble me. I shall just pass her on some of the things my last girl sent me back."

* * *
ONE of the biggest props to the Province is the Natural Science Association of the Provincial University. Unlike many other societies, its big name is not meant as a mountain to cover the wee mouse; for, in sooth, the members are very numerous, and their mightiness is spread, eagle fashion, over the valley of the Taddle. 'Hence accordingly' about this region one of the Firm is ever dodging for a chance interview and, this week, not without success. The N. S. A. personage was caught napping against the new lamp-post, but graciously got awake on being approached. Our man had carefully read up a thing or two in anticipation of this crucial moment and started the live subject of electricity.

"People are saying too many accidents will happen if gas is superseded. Is there good reason for this alarm?"

"Oh, pshaw! replied the scientist, it's merely a popular and vulgar outcry that is being made about the alleged dangers of the electric light. 'Twas ever thus. The wise men of not so very long ago were afraid to use gas, lest the gasometer should blow them up as often as their wives did. Others thought that applying a light to a gas-jet would be analogous to firing a train of gunpowder. The light, it was argued, would run along the pipe and cause an explosion every time. Such, however, proved not to be the case. The explosion occurs only quarterly—when the bill comes in."

The conversation at this point became slightly more technical, and the amateur reporter is not always equal to the occasion.

* * *
THE fact that this year of grace, 1882, is to have one Sunday more than most years is regarded by many pious people as a cheerful omen. Sunday is not a settling day.

* * *
"IN the new colleges we find splendid, earnest men, who work all day and study half the night, and graduate the best trained to battle with life." *Oberlin Review* (Ohio). This is the shallowest flummery. The few college men who are eccentric enough to follow this programme enter the world with exhausted energy, or, to use a less grand phrase, are sucked oranges, just at the period when the freshness of youth is most needed. These 'splendid' specimens are a damper on the freedom and joyousness of academic life. They are conspicuous by their ghost-like appearance; their checks are without color, their manner without vivacity, their expression careworn. To call them young is a satire on youth and, youth once passed, most of us agree with James Mill exclaiming: "How poor a thing is life!"

* * *
You must be careful in conversation with a Wellesley girl—forbidden ground is on every side of you. One of our young men and one of their young women were members of a house-party, got together for Christmas, at a hospitable mansion near New Haven. The twain were aimlessly looking through a broken-backed album; and their talk drifted to the manners and customs of the festive season. "And shall you hang out your stocking?" he queried mildly. "Sir!" she exclaimed drawing herself up proudly and fixing her quivering glasses firmly on her nose, "let me never hear you speak to me again." And their young woman swept grandly out of the room, while our young man went and cooled his astonished head against the frosty window-pane. Wellesley girls are like Queens of Spain.

It seems that bickerings are to be in fashion. Last week I spoke of a discordant event that had taken place in the Owls Club. Yesterday again I heard how two old pals, one of whom belongs to the Glee Club, have become glacial to each other. He was remarking to his nightingale friend on Darwin's opinion that men sang before they talked, and added: "Of course, they were soon compelled to invent speech. They had to express the disgust which singers always entertain for each other's vocal efforts."

**

In the Winter Exhibition at the Grosvenor Gallery, London, there is a remarkable series of portraits. It includes *Alfred Pennyson, Poet Laureate; William Morris, Algernon Swinburne, Robert Browning, Sir Frederick Leighton, Dr. Martineau*, lent by Manchester New College; the late *Arthur Penrhyn Stanley, Dean of Westminster*, lent by Oxford University. From Another group, *Thomas Carlyle, John Stuart Mill*, the only portrait for which Mr. Mill gave sittings except the one in possession of Sir Charles Dilke; *Mathew Arnold, W. E. Locky, Leslie Stephen*, lent by Mrs. Stephen.

**

Spot in the course of a chequered career has had some strange experiences. At one time he was a supe. at a theatre and was cast for the lines "My lord, the carriage waits." Now Spot, as we all know, is very ambitious, and thinking his splendid talents were not given proper scope, took upon himself to add, when the time came for his lengthy speech, the following words: "And if I might be so bold as to add, the man that lifts his hand to a woman save in the way of kindness is a wretch whom it were base flattery to call a coward." It is needless to add that thereafter Spot was a "walking gent."

UNIVERSITY AND COLLEGE NEWS.

LAFAYETTE. The Sophomores of Lafayette University were the other evening about to indulge in a Class dinner. Escorted by a band, they sallied forth from the College en route for the scene of prospective mirth when they were suddenly startled by the musical sound of post-horns, blown by numerous lusty freshmen. As this somewhat drowned the harmonious notes of the band, the Sophs mildly signified their disapprobation of their fellow-students' proceedings by knocking down a few of them. A general melee then ensued, which proved highly injurious to the persons and limbs of both contestants, and was only ended by the total discomfiture of the Freshies.

MCGILL. Last Friday the University Literary Society met by invitation at Mr. Archibald's house, and had an interesting discussion on the *cloture*. The meeting on the Friday evening of the week before was the largest of the year, a fact which was due to the excitement caused by Mr. Doherty's motion of censure on the President for his remarks on the occasion of the Public. A grand confusion reigned throughout the evening, almost every member being prepared with an amendment of his own. At a late hour a compromise was effected.

At the late meeting of the Foot-ball Club the following officers were appointed for the coming year: Captain, Mr. H. Hamilton, Applied Science; Treasurer, Mr. G. C. Wright, Arts; Secretary, Mr. R. Smith, Applied Science. It is expected that the team this year will be much superior to that of last year, and a most successful season is anticipated.

On Friday last, the Junior Year had their Annual Dinner at the Richelieu Hotel, which was we believe a great success.

There have been no meetings of the Undergraduates Literary Society during the last three weeks.

The Law Faculty meet at the Richelieu Hotel for their Annual Dinner some time this week.

The examinations in Law commence on Thursday next.

The Reading Room Committee were photographed this week in a group. It is said that they intend to present a copy framed to be hung up in the room.

There were no lectures in any of the faculties on Ash Wednesday.

It is rumoured that Prof. Markgraf will soon resign the professorship of German. The great loss which such a step would bring upon the College cannot be realized.

UNIVERSITY COLLEGE. A rehearsal of the *Antigone* was held in Convocation Hall, on Saturday, at which the Chorus assisted. The result was only fairly satisfactory, the singing being rather weak owing to the scanty attendance by members of the Glee Club, and partly to the fact that some of the more youthful and weak-minded choristers looked at the performance, rather in the light of one of those side-shows on which they are accustomed to squander their "quarters" during the Summer months, but this keen appreciation of the novelty of the situation will no doubt wear off with time. The actors form rather a pleasing con-

trast in this respect; as they at least show a spark of interest in the production of the Play. The Box plan of the Hall will probably be out in a few days, and the stage erected so that minutiae can be arranged. There will be another full rehearsal on Saturday next, at 3.30 pm. As many members of the Glee Club as possible should attend and make the task of production easier, and relieve many minds from anxiety about the now near future.

The coming Society elections are the talk now. The First, Second, and Third Years have held meetings to organize.

Spring drill for the Battalion commenced on Wednesday. "K." Company mustered 28 non-commissioned officers and men, and resumed its old place on the left flank of the Battalion. The recruits are a fine looking lot of men. Arrangements are now under way for a grand military review at Kingston, on the 24th of May, and "K." company is expected to muster 45 for this.

It is now in order for the Graduating Classes to have their pictures taken. The Fourth Year classical men have already done so; taking time by the forelock before the midnight oil makes them "haggard and lank."

Would it not be a good idea to have the list of periodicals taken by the Literary Society revised before next year? Some of the papers and monthlies are not even cut as a rule.

An ordinary meeting of the Literary Society was held on Friday evening last, the President, Mr. R. E. Kingsford, in the chair. In the Senior Division, Mr. Roswell read an essay on "The Great North-West," readings were by given Messrs. Hall and Cowan; and the following subject was debated, on the affirmative by Messrs. Graig, Hunt and Prett, and on the negative by Messrs. Simpson, Bowes and Mulvey: "Resolved, that in the Educational System of Ontario, too much attention is given to the Study of Ancient Classics." In Junior Division, where Mr. S. McKay, 2nd Vice-President occupied the chair, M. D. O. Cameron read an essay entitled "A Visionary View of the Future;" readings were given by Messrs. A. H. Campbell, H. J. Hamilton and J. J. Elliott; and the same question was discussed as in the Senior Division, on the affirmative by Messrs. Lawson, Hogarth and Macoun, and on the negative by Messrs. Fairclough, Sibbard and Duif. Decision was given in both rooms in favor of the negative. There were about eighty members present.

Monsieur Parent, will hold a reception for the Glee Club in the Residence Dining-Hall, next Monday evening.

Residence "First Prize" butter and automatic cheese are still above the standard.

The Literary and Scientific Society will hold an open public debate this Friday evening, in Convocation Hall. The following is the programme: Essay, "Ye Olden Times," Mr. E. J. McIntyre; Part Song, "Soldiers' Chorus," Quintette; Reading, "The Red Jacket," Mr. R. U. McPherson; Piano Solo, Mr. H. M. Field; Debate, Resolved, "That Competition in Higher Education should be Encouraged;" affirmative, Mr. A. F. Ames; negative, Mr. H. S. Dunn. All speeches but those of the leaders will be voluntary, and limited to five minutes each.

At the annual meeting of the University Football Association, held in Moss Hall, last Friday, (March 3rd); the following officers were elected for the coming season: President, A. M. Haig; Vice-President, E. M. Hughes; Recording Secretary, J. M. Palmer; Treasurer, H. E. Irving; Committee, Messrs. Donald, Wiold, Bell, Manson, Glassford and McKay.

Cricket prospects are already being discussed, and there will likely be a larger membership and a much livelier interest in the Club this season than hitherto. There is plenty of material in the University for a first-class team, and if the men can be kept together during June, they may show that we can take the lead in cricket as well as in football.

There is a movement on foot to organize a Lawn-Tennis Club here this Spring. Such an enterprise deserves every encouragement, the Game being one which has many recommendations to public favour. It quickens the eye and ensures accuracy of aim, and what better training for Cricket (into which game as played there is some talk of infusing new vigour) could we wish for? There is this, too, to recommend the Game to Undergraduates, who have but little time for exercise about Examination-time, that one can get his fill of exercise in a remarkably short space of time. There are some who consider the Game namby-pamby, but to these we can only say "Play it and see."

Fifteen students of Toronto School of Medicine go up to Victoria University for their Primary examination this year, and twenty will secure the degree of M.D., which will stand them in good stead should they fail here.

Dr. Wilson read a paper on archæology before the last meeting of the Canadian Institute.

Rat hunting is now on the list of the numerous diversions for Residence men. It is quite customary for the more hospitable of the denizens of that Paradise to ask their friends down to their preserves for a night's hunting. The sport is excellent, and the bags generally large, as many as three having been killed in ten or fifteen minutes.

VARSAITY MEN. Mr. E. P. Davis, of the Fourth Year, took Prof. Furrer's Classes in French and German at Upper Canada College last week, that gentleman being laid up with inflammatory rheumatism.

Mr. R. F. Ruttan, B.A., '81, has suffered for the past week from a severe attack of quinsy, but is now better.

Portly old matron *loquitur*: "That nice young man looks as if he had a great deal in his head." What was it, Joe?

THE EPISTLES OF PLINY.

No. V.

We have, alas! no more letter writers. The good old days have gone. Everybody knows everything. People on opposite sides of the Atlantic even know what happens on the other side before it does happen. Into the remotest country parsonage—into the thickest backwoods—far over the broad prairies—that modern distributor of the seeds of information—the printing press—promptly carries its tons of reading matter. Even there, a letter, beyond its evidence of the fact that its recipient is not entirely forgotten, is valueless as a means of communicating information as to what was, is, or is about to be done as our old grammars used to put it. In City Life, or among fashionable people, also, of what value is a correspondent now? The only thing to be said about receiving a letter is, that it entails the necessity of answering it, and as far as news goes one learns the news in much quicker ways. Even as a medium for the retailing of petty scandal the old-fashioned mode of letter writing may be said to be perfectly obsolete. It has been replaced by our *Truths*, *Vanity Fairs*, *Ladies' Journals*, and such other trustworthy and valuable receptacles of all the falsehoods uncharitable people choose to set on foot with regard to their unhappy neighbours. The postal card is a concession to the fact that what people have to say now, they wish to say in few words. The world is too much with us. We have too much to do—too much to see—too much to be anxious about—to waste our time in writing letters telling people news they know already. Does not the "special correspondent" act also as general correspondent? Do we not know that if Miss S. has run away with her father's coachman—or if poor X. has been found with his hands in the bank's till—or if the wretched J. finding the troubles of this world too much for him, has concluded to risk those of another—do we not know, how perfectly useless it is for us to tell these items of interest in a letter even to our dearest friend? Do we not know that the ubiquitous Local gent has been there before us making a note of it, and that we can save ourselves the trouble of writing about it by merely posting a newspaper. Again, the world has become very migratory—families split up—the most close ties are sundered—and very soon in the new abode new relationships render faint and fainter the recollections of the old, and there is little in the new surroundings to interest those who remain in the old—with us especially the absorbing struggle, which on this side of the Atlantic is absolutely necessary to enable men to keep their heads up, prevents them from giving even the refuse of their strength to the uninteresting work of writing home stale news. In the old days, it was not so, and a good correspondent was a valuable friend—nowadays, he is rather a nuisance. The future historian of our times will not draw his materials from correspondence—he will turn to the periodical literature of the day, and he will find his materials only too ample—but for antiquity letters are some of our most valuable sources of information, and when written *pleno animo* like those of Pliny they are doubly valuable. We have endeavoured in our previous papers to show that many valuable hints may be gathered from these letters to illustrate the state of society in Pliny's days. We have touched upon the subject of the danger to life arising from the existence of an organized gang of informers—hateful spawn of tyranny. We have spoken of slavery and its effect on national life and character—of superstition, not entirely extinguished in our own day. There are other topics in addition to those on which we have thus dwelt, which can be more or less fully elucidated by an examination of these letters. It is not, however, our object to give what may be called the technical information to be derived from this source. We do not desire, for instance, to discuss Pliny's description of his Villa, and compare it with other descriptions of Roman houses. Although an interesting subject of critical examination it does not come within the scope of our present intention.

The most practical advantage to be gained from Classical reading—that is, the advantage which makes it eminently beneficial for a man who desires thorough mental training—is that it enables us to compare past stages of very advanced civilization with our own, and such a comparison properly applied must help us to avoid mistakes which might retard the progress of our country for generations. It is a mistake to suppose that the problems we have to deal with are necessarily new, because they are new to us, and a keen, unprejudiced examination of the progress of Rome and of her history will be of great benefit to any man who desires to consider the situation of his own country in a philosophical spirit, and who wishes to prevent his mind from being led astray by the clap-trap of most of our present politicians. Shrewd men they are—most of them "good business men"—some of them unfortunately unscrupulous—but we believe for the sake of our country's honor the majority are animated by respectable motives. We do feel, however, that there is a lack of that wide comprehensive statesmanship which can only come from a mind stored with information. Where the lessons of history are always present the spirit, supported by a conviction that in comparison with self-respect, place and power are of little moment, will never yield to the fatuous clamour of irresponsible men, but with calm dignity will pursue its own unswerving path of rectitude. The policy traced by such a mind will not be one based solely on the exigencies of the hour, but one adopted on a comprehensive reading of the country's history—its past, and its future destiny. Which course will the statesman adopt who knows the obloquy which has followed for all time the memory of the men, who, to gain temporary success, betrayed the country? Will a man admonished by such a warning emulate Scylla? Will he rather be Mark Anthony, than Cicero? Would he rather be Tiberius Gracchus, or the almost-forgotten Scipio Nasica, who killed him? Thus, in order to gain a reasonable benefit from classical training, we should not confine ourselves to a pedantic knowledge of particles, but by a broad liberal application of the principles derivable from the experience of the Past to the necessities of the Present, shew that our reading has its practical effect on our lives as subjects and citizens.

With the object of pointing out, however feebly, how the Latin authors may be made use of in this spirit we have laid before our readers the papers on Pliny already submitted to them. We hope to present to their attention one or two further papers to illustrate topics similar to those touched upon, and specially to call attention to one or two historic letters which are of the greatest value as contemporary records of mighty events.

"NECESSARIES."

Law is almost universally stigmatized as a study, *dry as dust*. That it should be so, has always seemed to me to be more or less anomalous; for one would naturally think that a science which treats of the customs, decisions and regulations (for "law" consists of these three elements), on which the whole fabric of society depends, and which finds its principles practically illustrated in the every day transactions between man and man, might be made an intensely absorbing study. The text-book writers are to a great degree responsible for the *dryness* which oppresses even the most enthusiastic student of the law. The reports are often quite as good reading as any average novel—exemplifying in the various cases, humanity in all its phases—good, bad and indifferent, in every conceivable situation in life. Nothing is more interesting to a man than the study of humanity; and a law student has the most ample facilities for indulging in it, if he will only take the trouble to turn up in the reports the cases cited in his text-books.

I had occasion a few days ago to look up the cases bearing upon some phases of the law concerning the contracts of "infants," and I propose to lay the result of my investigation before the readers of the *VARSAITY*, hoping they may get as much amusement from the result as I had in the course of my labors. The subject has, I believe, been very cleverly treated in a book called "Humorous Phases of the Law," but I have unfortunately not had an opportunity of referring to it.

As most of my readers are doubtless aware, boys and girls are, until they attain the age of twenty-one years, "infants" in the eye of the law, and in consequence of such "infancy" subject to certain disabilities. No doubt some of the gentlemen of the first year, who have reached the venerable age of eighteen or thereabouts, and who are indulging in happy expectations in consequence of the appearance of a slight down on the upper lip, think the "eye of the law" very shortsighted in not recognizing the fact, that there is none of the infant remaining about them. But then they must remember that many of their less favored brethren remain practically "infants" for many years later. Anyway, the law has laid down an arbitrary rule that "infancy" shall last to the age of twenty-one.

Now, it is a principle of the law that an "infant" cannot make a contract binding on himself.

It has perhaps suggested itself to the astute reader, that if the infant happened to be short of funds, and in want of a dinner, lodging, or any other such little necessary under the present economy of nature, this principle might be decidedly inconvenient to him; for if the infant, having undertaken to pay for his entertainment, can immediately turn round and say: "Oh! I'm an infant, and my contracts are not binding," we all of us know that the average hotel-keeper is too keenly alive to his own interest to give the infant the entertainment asked for. To prevent such a manifest injustice, the principle I have just mentioned is qualified in the case of necessaries. Thus, in Co. Litt. 172, we find, "An infant may bind himself to pay for his necessarie meat, drinke, apparell, necessarie physicke, and such other necessaries; and likewise for his good teaching, or instruction whereby he may profit himselfe afterwards."

It is obvious that in every case, in which this principle is involved, the question at once arises, what are "necessaries?" From the passage quoted above, we see that the expression "necessaries" includes food, lodging, clothing, medical attendance, and education. It will be admitted, I suppose, that these five things are necessary at some or all periods of life; but it becomes a question of some nicety to determine, in any individual instance, what particular quality or quantity is "necessary." If my young gentlemen friend of the first year, with, we will suppose, an annual income of five hundred dollars, takes a suite of rooms on the first floor of the Rossin House, and gives his other young gentlemen friends champagne breakfasts, and whisky-punch suppers, or indulges in any other extravagant eccentricities for as long as his credit will last, all these things, although they may perhaps be "food" and "lodging," can hardly be called "necessaries." Accordingly, when the polite proprietor of that admirable hotel, hands him his bill, the "infant" can poke him familiarly in the ribs, and tell him to sing for it. *Cantabit vacuus coram latrone—"infans."* Of course, if the infant be wise he will make for the door as fast as possible; for I believe Mr. Irish wears very heavy boots.

However, it must not be supposed that "necessary" means merely the plainest sort of food, lodging, etc., etc.: "The word 'necessaries' is a flexible, not an absolute term" [*Breed v. Judd*, 1 Gray (Mass.), 458], and varies according to the social position, prospects, age, circumstances, etc., of the infants. One man's "necessary" may be another's luxury. As an old case of the time of Charles II. (*Rainsford v. Fenwick*, 1 Carter 215) points out: "The law distinguisheth of persons, between a Gentleman's son, & a Nobleman's son, as (to) necessaries." As an interesting example of the style of the old reports, I quote this case in full below.*

As far as regards clothing, the rule appears to be that articles of mere "ornament" are not generally "necessaries." Therefore, ye Residence men, who indulge in gorgeous jewellery, and shine resplendent at conversaziones and evening parties in white dress waistcoats with jewelled buttons, read, mark, learn and inwardly digest the following cases:—

In *Ryder v. Wombwell* (L. R. 4, Ex. 32), the plaintiff was a jeweller, who sought to recover a bill for jewellery supplied to an aristocratic, and therefore extravagant, youth, apparently possessed of unlimited cheek and credit. His income during infancy was about £500 per annum, and his favorite amusement appears to have been riding races for his friends, one of whom was the Marquis of Hastings. To the Marquis, no doubt in appreciation of his kindness in letting him lose races for him, he presented a goblet, described in the jeweller's bill as follows:—A silver gilt,

antique chased goblet with an engraved inscription, £15 15s. Another item is:—A pair of crystal, ruby and diamond solitaires, £25. The jury, probably composed of the jeweller's friend, held that both these articles were "necessary" to a young man in his position. But the Court *in banc* over-ruled the verdict as to the goblet, and finally the Exchequer Court decided on appeal that neither article was a "necessary"—a judgment with which, I think, we may all agree. However, before any of my "infant" readers, on the strength of the decision in *Ryder v. Wombwell*, rush down town to buy up all the jewellery they can get on credit, let them consider the decision in *Peters v. Fleming* (6 M. & W. 42), which should be of interest to all undergraduates, as it gives judicial sanction to Mr. Verdant Green's opinion that every undergraduate ought to have a watch. In that case it was decided that a watch-chain was a necessary for a student at College, on the following unassailable line of argument: "It is not unreasonable that an undergraduate at College should have a watch; and consequently, to enable him to pull out his watch, a watch-chain." The Court, however, do not appear to have considered the fact that a piece of tape is a very good practical substitute.

There is another case which ought to interest all the students, as it seems to relegate to the dim region of "luxuries" some things which, in my college days at least, were considered essentials. *Lefils v. Sugg* (15 Ark. 137) is an authority for the statement that, in Arkansas at least, "kid gloves, cologne, fiddle-strings, walking canes, silk cravats, etc.," are not "necessaries" for any student. There is a ring of sound practical out-West common sense about the judgment (*e. g.*: "It is not to be presumed that the bulk of the articles.... were such as the boys needed, or their father would have ordered for them"), that suggests to one's mind the picture of the "Judge" in his shirt-sleeves, with a slouch hat over his eyes, his feet on the table, and the stump of a cigar in the corner of his mouth at an angle of 45°.

I have been told that a case lately decided in one of our Division Courts establishes that a dress-suit may be a "necessary" to an infant.

Even in the good old days of Queen Elizabeth, when mankind used to dress in velvets and satins, there appears to have been a limit to the extent of the gorgeousness of apparel considered necessary. Thus, in *Makarell v. Bachelor* (2 Croke 583), 39 and 40 Eliz., the plaintiff sued on several contracts—"all for apparell—some for fustian, some for velvet and satten suits laced with gold lace, amounting to £44, whereof he was satisfied £4," and although the defendant was a gentleman of the Chamber to the Earl of Essex, the Court held "that such suits of satten cannot be necessary for an infant, although he be a Gentleman." To give an example of the extravagance in dress in the time of James I.: A young gentleman orders a tradesman to buy "24 yards of lace, 11 yards of velvet, and 3 yards of broadcloth to make for him a cloak." Having received the cloak, he seems to have forgotten all about the unfortunate tailor, who accordingly sues in *assumpsit*, "and alledged, *in fact*, that he bought the said wares, and laid out for them twenty-one pounds, and that he made the said cloak, and deserved for the making thereof six shillings; wherefore, for the non-payment, he brought the action." A second item was "twenty-seven pounds for a doublet and a pair of hose of velvet." Owing to a technical objection to the frame of the declaration, the unhappy plaintiff was non-suited. *Ive v. Chester* (3 Croke, 560). We see from these cases, and many others of a similar nature, how uniform has been the practice from the darkest ages to the present time of owing one's tailor more than one can ever hope to pay.

Next, as regards food. Those "infant" students who have run up large bills with the confectioners and caterers in town for suppers and entertainments to their friends, will be glad to learn that "undergraduate treats" are not considered "necessaries" by the Courts. In *Brooker v. Scott* (11 M. & W. 67) young Scott was an undergraduate of Trinity College, Cambridge, of a convivial nature, and fond of entertaining his friends. His heart, however, seems to have been larger than his purse; for at the end of two years he found himself indebted to his confectioner in the sum of £7 0s. 7d. Among the items charged in the bill, we find the following: "Feb. 17, soda water and acidulated drops, 1s. 6d." Can any Residence man who has spent the night at a prolonged *sederunt* suggest the object for which these were purchased? On March 22nd, we are informed, that Mr. Scott purchased 4d. worth of lozenges; but this seems to have been unwarrantable extravagance on Mr. Scott's part, for the Court disallowed the entire bill, on the ground that such items were not "necessaries" to an undergraduate. (*Vide also Wharton v. McKenzie*, 5 Q.B., 606).

Bryant v. Richardson (L. R., 3 Ex) will interest smokers, and is clear authority for the proposition that cigars are not among the necessaries of life.

There do not appear to be many of the undergraduates who indulge to any great extent in a taste for horses. The law, however, seems to be that under certain circumstances these, with their necessary harness,

* Note:—

TERM TRINITATIS, Trin. 22, Car. 2, B.C.

RAINSFORD versus FENWICK.

Action upon the case: A quantum meruit for divers Wares and Merchandises, such as Cloaths, Laces, for himself and his Servant: And also *indebitatus assumpsit*, and mentions the wares in particular. The Defendant pleads *infra aetatem*. The Plaintiff replies and confesseth the minority, and says at that he was Son and Heir apparent of Sir R. F., and was, by consent of his father, in treaty of a marriage with the Earl of — Daughter, and these things were for wedding Cloaths. The Defendant demurs to this.

Such contracts as are made for Infants' advantage as Leases for years, and such as are for Necessaries, the Law holds good.

Further, the Law distinguisheth of persons between a Gentleman's son and a Nobleman's as (to) necessaries: And in point of Time and Education, as at School, Oxford, and Inns of Court. And he is not lookt upon in the same condition when a School-boy as when of riper years. Rolls Abr. I part, tit. Infants 729. Delavall and Clare's case. Croke Jac, p. 560, Ive and Chester. It was in one case averred that he was in Degree, and in treaty of Marriage with an Earl's Daughter; and these things considered, the Time, and the Treaty, and the averment to be for Necessaries; and that he did accordingly marry her, & *distinguenda sunt tempora*.

Objects. Some of these things were for servants.
Brome Serjeant contra:
1. It appears not how many Servants he had.
2. It appears not that these Servants he had were necessary for his attendance.
3. It appears not what was for himself, and what for his Servants.

Vaughan, Chief Justice. The case of the Earl of Essex, his Valet de Chambre. The Valet de Chambre might have been as good a man as a Knight's Son. And so the books be against you. Balls and Serenades at night must not be accounted Necessaries. North and Tompson case in Colle's Entries, 125. A Nobleman's Case.

The Judges appear to have been divided in opinion. Tirrell for plaintiff, and Vaughan, Widd and Archer for defendant.

board, etc., may be "necessaries," but as a general rule they are not so considered. One of the most extravagant of the young gentlemen whose acquaintance I have made in the course of my investigations is Mr. Walker, in *Jenner v. Walker* (19 L. T. N. S., 398). The very comfortable income of £1,000 per annum (during infancy) seems to have been quite too small for his many pretty tastes. This is not altogether surprising when we find in his jeweller's bill such items as the following:

	£	s.	d.
"Blue velvet betting-book.....	4	14	6
Blue morocco betting-book, patent frame.....	3	13	0
Blue velvet cigar case, gold frame.....	23	2	0
Making gold and enamelled coats-of-arms....	12	12	0
&c., &c., &c."			

There is no doubt about this case. The judgment reads: "I have no difficulty in laying down that betting-books cannot be necessaries for a young man under age, and certainly not betting-books so rich and costly." I shall have occasion to refer to Mr. Walker again, but this extravagance has been sufficiently established for the present.

Education is, of course, a "necessary" for an infant, but it would seem that, in the United States at least, a good common school education is deemed sufficient, and a college course is not a necessary (*Middlebury College v. Chandler*, 16 Vert. 683). Nor is it necessary to learn to glide through the mazes of the "Boston," or to tread the "heel and toe." (Vide 1 Sid. 446.) It is laid down in *Rainsford v. Fenwick* (1 Carter 216) that "Balls and Serenades at night must not be accounted necessaries;" but of all the cases in this connection the one most appropriate for the consideration of the students of University College, which has gained for itself the epithet of "godless," is *St. John's Parish v. Bronsden* (4 Conn. 75), which supports the college system of dispensing with religious instruction. This case establishes that religious instruction is not a "necessary" for an "infant."

And now, before I close this imperfect and, I regret to say, hurriedly prepared article, I wish to say a word of warning to those of the "infant" students who may have become entangled in the meshes of love. If you are about to marry, consult Mr. Punch. His advice is, "Don't." However, if you have been fool enough to become engaged do not imagine, as our friend Mr. Walker seems to have done, that you cannot make a binding contract for presents to your beloved. At the time of bringing the action of *Jenner v. Walker*, above mentioned, the defendant was nineteen, married, and the happy father of a healthy infant. Among the items in his jeweller's bill was £12 12s. for amethyst and diamond earrings, a present to his wife (given, if I remember rightly, before marriage), and the Court held that such presents were "necessaries." Remember this, ye sweet girl students, and stand up for your rights. It would also appear that, where an infant marries it is necessary for him to present himself at the altar in proper bridegroom's attire. (*Sams v. Stockton* (14 B. Mour. 232), but, contra vide, *Rainsford v. Fenwick*, supra). On the subject of marriage, however, *Punch's* advice is better than that of all the judges in England, and the following case may help to strengthen it: "If a man under the age of twenty-one contract for the nursing of his lawful child, this contract is good, and cannot be avoided by infancy no more than if he had contracted for his own aliment or erudition." *Turner v. Frisby* (1 Str. 168).

The subject might be pursued much further, and many more curious cases discovered, but I trust I have said enough to show that there is some little amusement to be derived, as well as instruction, from the dry study of the law.

C. C. M.

COMMUNICATION.

ANTIGONE.

To the Editor of the 'Varsity.

DEAR SIR,—Notwithstanding the many gloomy prognostications of prophets of evil it may be considered as settled that the Greek Play will be presented at University College. The question now lying before us is, shall this play be brought out in a style that will do credit to our University, or shall it be a miserable failure? Shall we present it in a manner that will show the world that there is life and energy in a Canadian University as vigorous and efficient as exist in Harvard or Oxford? or shall we by a slovenly and ill-prepared representation give evidence of a dead-and-alive spirit animating—or rather *inanimating*—us, and thus bring disgrace not only upon ourselves as a University, but upon our country as well? The only point where failure may be feared is in the rendering of the choruses, and it is to this department I would like to refer. We would be far from seeking to belittle the difficulty of the choruses, on the contrary we would remind ourselves that success can only be won by earnest and systematic work, and this is where the shoe pinches. One man is as brave as another till the danger approaches and so it is that circumstances of trial bring out a man's principles.

When the *Antigone* music was begun the only trouble felt was in supplying copies to all who were eager to take part. The Glee Club was popular, the music grand, everything went swimmingly. But a "change came o'er the spirit of this dream" when the Greek words of the chorus were first attempted, and some of the weaker spirits dropped off. The difficulties increased, the practices became more frequent and the whole affair changed from mere pastime to work. This change in *Antigone's* complexion had a most chilling effect upon the ardor of some of her admirers and they gracefully retired. Of the remainder some are attending half the rehearsals, thus doing more harm than good, while others, we are happy to say, are sticking by their part and doing their work like men. Let us not run away with the idea that this undertaking is something tremendous, for it certainly is not so in the estimation of Mr. Torrington, who declared the other day that four good rehearsals *with all the members of the club present* would put us over the difficulty. If we have no time to spare let us make time. If we look at this matter in the proper light we will readily devote ourselves to it with all our energy, make other things give way, spend the odd and often wasted minutes in practising our parts, and make it a business to be at every practice. Surely we should be prepared to sacrifice our ease, pleasure, everything in fact except duty, for the honor of our Alma Mater. Do we need the stimulus of example—we have a most powerful one in that of our professors, who may be supposed to have as little time to throw away as any Undergraduate. If we make this play a grand and sweeping success we may imagine the rejoicing of the friends of the University, the confusion of her enemies, the personal satisfaction we shall feel, the lustre that will be shed on our Alma Mater. We shall not attempt to portray the woeful results of failure, the exultant sneers of enemies, the indignant shame of friends, the "grinding torments," we shall be compelled to endure as the triumphant "I told you so" falls on our ears; worse than all, the knowledge that no opportunity of retrieving our character will be given us and the painful remembrance of what might have been, but imagination fails us in depicting the direful consequences of—not attending rehearsals.

C. W. G.

March 8th, 1882.

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