GENERAL CORRESPONDENCE.

To the Editors of the Law Journal.

Gentlemen,—Presuming upon the kindness which you have ever extended to the student as well as the practitioner in your exposition of doubtful points, I have taken the liberty of placing my trouble before you, which is as follows:

I was admitted a member of the Law Society as a student-at-law in Trinity Term, 1865, and am consequently, in accordance with a late resolution passed by the Benchers of Osgoode Hall, eligible to compete for the first year's scholarship at the examination in November next. Now what I desire to know is this—am I eligible for the second year's scholarship, to be competed for in November, 1866?

Although I have propounded this question to several of the legal profession here, I have as yet been unable to obtain any definite information on the point, and your answer in the next number of the *Law Journal* would, I am certain, be of interest to others similarly situated, as well as to a

Student-at-law.

[See page 228.—Eds. L. J.]

Belleville, 16th August, 1865.

To the Editors of the Law Journal.

Gentlemen, — Will you allow me to call your attention to what seems to me to be a serious practical defect in the Registration Act? Section 18 provides that deeds, &c., are to be registered through memorials thereof. Section 20 provides for the execution of such memorial. Section 23, *et seq.*, provides modes of proof for registration; section 27 for cases in which the witnesses have died, or are out of the Province. No provision is made for the death of the parties to the deed. So long as any one of them is alive, he can re-execute the deed by acknowledging his hand and seal before the requisite witnesses, and have a memorial executed; so that section 27 is of but little practical value.

The Legislature evidently intended to give a much wider reach to the section than it has, and provide for the case of the death of the parties as well as of the witnesses, the latter part of the section evidently pointing to the registering of the instrument, on its production, with the certificate signed by the chairman, &c.; but by the operation of section 18, a memorial must be produced, and by section 20 that memorial must be executed by one or more of, &c.

Yours truly,

Geo. D. Dickson.

[We think our correspondent has somewhat misconceived the effect of the sections referred to. Section 20 provides for the registration of a deed after the death of the grantee, provided there is a witness to the execution of the deed who can attest its execution; for it expressly authorises the heir, executor or administrator, &c., of the grantee to execute a memorial. It is thought by some that the word "heirs," would include purchasers; but, however that may be, the act now before Parliament to amend the Registry laws, makes this provision much more general, and will thereby, if the bill becomes law, save any question as to this. If, however, the witnesses are dead, or the witnesses and grantee are both dead, proceedings should be taken under section 27. It will be remarked that this section says nothing about a memorial, but provides that upon the necessary certificate being obtained, "the registrar, &c., shall *record such deed*, &c., *and certificate*, and shall certify the same." We do not think it an unreasonable construction to put upon the section to say that in such cases a memorial is not required. The case seems to be an exception to the general rule that a memorial is necessary, and an act must be so read that every clause it may, if possible, have due operation. We cannot say what the *general* practice is, but in the registry offices for York and some other counties, it is usual to record the deed and certificate, and no memorial is required by the registrar. —Eds. L. J.]

Concurrent writs—Antedating — Cancellation of stamps.

To the Editors of the Law Journal.

Gentlemen,—In issuing a *concurrent* writ of summons on a day after issuing the original writ, should the Clerk not only antedate the writ, but also cancel the stamp as of the day on which the original writ was issued? Or should he simply antedate the writ and cancel the stamp as of the day he issues the writ?