

CORRESPONDENCE.

can authorities—excepting those, however, on the subject of International, and in some few instances, Commercial, Law.

The practice has also been disapproved by the Judges of this Province. The late eminent and lamented Chief Justice Robinson, in the judgment of the *Bank of Montreal v. Delatre*, 5 U. C. Q. B., did not acknowledge or recognize the American cases as authorities, but only thought it might be useful to refer to them—on the subject of Mercantile Agency—as they would embody the *English* decisions, and one might expect to find *such* authorities cited as far as any existed.

I do not know if the powers of the Editor-in-Chief are as extensive as those of the editor of the *English Reports*. If they are, I would respectfully suggest that the names, &c., of any American cases referred to in judgments should alone be stated.

Yours, &c.

OCTOGENARIAN.

*References in matters of Account.—
Practice.*

TO THE EDITOR OF THE LAW JOURNAL.

SIR,—The Act 39 Vict. cap. 28, sec. 2, Ont., defining the procedure on a reference of matters of account thereunder, provides that after the making of the report or certificate, the depositions of the witnesses examined together with the exhibits referred to therein, and the award or certificate shall be filed with the officer of the Court with whom the *præcipe* for the said writ was filed; this *primâ facie* applying as well in cases where the writ issued in York as in outer counties.

In the latter the *præcipe* and subsequent pleadings being filed in one office, there can be no difficulty; but in the County of York, owing to the existence of a separate office for the issuing of writs, and an omission in the Act to provide for

the practice therein, we are not so fortunate.

Read alone and literally, the section referred to would indicate that in this County an award is to be filed with the Clerk of the Process, as *the person with whom the præcipe was filed*; and this view is taken, we learn, by Mr. Jackson, who urges that although *præcipes* are sent him daily by that official, yet they are never filed with or by him, being merely docketed to conform to a practice which has obtained for years. In the Queen's Bench, on the other hand, the practice has been followed (and in this I think the statute has been intelligently construed) of filing in that Court.

In my view the intention, at all events, of the Legislature is explained by the section following, which, providing that for the purposes of appeal on proper notice given to a Deputy the filings shall be transmitted to the "proper principal office at Toronto, addressed to the Clerk thereof," clearly indicates that in all cases the proper Crown Office shall be considered the headquarters for all filings under this Act.

Yours, etc.,

ATTORNEY.

TO CORRESPONDENTS.

In answer to two questions which have been addressed to us by "Another Second Year," with reference to the subjects for First Intermediate Examinations, we would say that our own opinion (which has been confirmed by one of the examiners) is, that students presenting themselves for the examination in question are not liable to be examined on Acts amending Consol. Stat. cap. 12. As to the second question, we do not think that our correspondent need be under any fear of having to make himself "conversant with the whole Statute Law of Ontario" in order to pass the First Intermediate Examination. However desirable it may be for all law students to make themselves as soon as possible familiar with the points in which the law laid down in English textbooks is altered by our statutes, we are quite certain that for the purposes of this examination it is sufficient for the candidates to be thoroughly acquainted with the particular books and statutes prescribed therefor. It is only at the final examinations for call and certificates of fitness that the whole Statute Law of this Province is prescribed as a subject for examination.