

## MEMORIALS AS SECONDARY EVIDENCE—LAW SCHOLARSHIP EXAMINATIONS.

they will act upon the alleged writing as if they had it before them. And this would seem not only to be the only way of reconciling the cases, but the only logical way in which such a memorial can be held to have any probative effect whatever. It is certainly not very logical to say, that the question, whether a memorial is in itself secondary evidence, should depend upon whether from other circumstances, it appears probable that the result of such evidence is true, while by treating it as merely a link in a chain of circumstances, this apparent difficulty is obviated.

Bearing in mind the distinction above referred to as regards the evidence requisite in ejectment, and between vendor and purchaser, or under the Act for Quieting Titles, and that in the two latter cases negative evidence beyond the memorial is requisite to displace existence of matters which is not set forth in it, and of which therefore it affords no evidence, the result on the whole appears to be —

1st. That a memorial, is undoubtedly, secondary, if not primary evidence against all persons claiming under the persons registering.

2nd. That when executed by the grantor, and really against his interest, it is probably evidence against third persons.

3rd. That when executed by the grantee or grantor, when not against the interest of the party executing it, it is not in itself secondary evidence, but may, with other circumstances, form a link in a chain of circumstantial evidence, proving as secondary evidence, the existence of a deed.

A. L.

## LAW SCHOLARSHIP EXAMINATIONS.

To correct any mistake or misapprehension on this subject, we may state shortly that these examinations have hitherto been held on the second day of Michaelmas Term in each year, and any change in this respect, will doubtless be published when made. A week's notice should, for the convenience of the examiners, &c., be given to the librarian, previous to the commencement of the Term by all those who intend presenting themselves for examination. Books to be read for these examinations are those which will be found advertised on the cover of this journal; but what is meant by the first, second, third, and fourth year students, as the case may be, will be seen by a rule passed by the Benchers in Convocation in February, 1865, which reads thus:—

"All students who have been, or who shall hereafter be admitted upon the books of the Society in Easter or Trinity Terms in each year may present themselves for examination for scholarships as follows, that is to say: For the scholarship for first year students, in the Michaelmas Term of their second year. For the scholarship for second year students, in the Michaelmas Term of their third year; and for the scholarships for third and fourth year students, one or both, in the Michaelmas Term of their fourth year, provided always, that nothing herein contained shall authorize or permit any student to present himself a second time for examination for the same scholarship."

It is also to be noted, that graduates of a University are looked upon as students of two years standing, and must make their calculations accordingly. The winter lectures for the benefit of all those who choose to take advantage of them, commence on the first Monday in November, and continue until the end of April.

Chancery practitioners in Toronto would take it as a favour if those who have such matters under their control, would so arrange, that stamps could be obtained in that department of the Registrar's office which is situated somewhat as Mahomet's coffin is said to have been. The inconvenience of having to go from the top of the west wing to the bottom of the centre wing of Osgoode Hall, for a stamp, and then back again, might be endured without complaining, if it were a necessary evil, but this we are informed is not the case, and until a short time ago stamps were kept by Mr. Holmsted. We thoroughly appreciate the benefit and pleasure of a fair proportion of muscular exercise, as a relief from the severe mental labour incident to the profession, but it may be doubted whether running up and down stairs is the pleasantest form to take such exercise.

The following is a summary of business in the Court of Queen's Bench during Michaelmas Term last:

Rules Nisi moved .....	69
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