

Oct. 1, 1882.]

NOTES OF CANADIAN CASES—CORRESPONDENCE.

C. P. Div.]

CORRESPONDENCE.

transactions as secretary-treasurer was ever shown the plaintiff; nor had he, till a short time before the commencement of this suit, any notice or knowledge that any part of D.'s defalcations was in respect of the moneys received as aforesaid from the Municipal Corporation.

Held, the plaintiff should be let in to redeem the said mortgage on payment of D.'s defalcations, less the amount of the moneys of the Municipal Corporation so received as aforesaid.

Semble.—If the money had been paid by the plaintiff under the above mistake of fact, it could be recovered back.

MacLennan, Q.C., (*Riordan* with him,) for the plaintiff.

S. H. Blake, Q.C., (*Barron* with him,) for the School Trustees, and the trustee of the mortgage

COMMON PLEAS DIVISION.

RE NORTH YORK ELECTION CASE.

PATTERSON V. MULOCK.

Elections—Petition against return of member—Jurisdiction of C. P. Division—Preliminary objection.

Held, by CAMERON, J., that the Common Pleas Division of the High Court of Justice has no jurisdiction to entertain a petition under the Dominion Controverted Election Act of 1874 and amending acts, against the return election of a member for the Parliament of Canada; but that the Courts of Queen's Bench, Common Pleas and Chancery are existing Courts, as well as the Court of Appeal, for the trial of such petitions; and that an objection to the jurisdiction was properly raised by preliminary objection.

McCarthy, Q.C., and *Osler, Q.C.*, for the petitioners.

Robinson, Q.C., and *Moss, Q.C.*, for the respondents.

The present Law Course.

To the Editor of the LAW JOURNAL.

SIR,—The recent abolition of the Law School and the consequent leaving of the student to his own resources for his legal education, suggest a few ideas with regard to the present law course.

With the large number of students throughout the country generally it seems to be the case, that the first year of their clerkship is simply a wasted twelvemonth. In the small town offices the student spends this year of his course in almost abject idleness. Any diligent young man of ordinary ability can get up his first intermediate work with one year's careful study; he knows this, and, therefore, does not bother himself about text-books and legal reading during this period, and his time, consequently, is devoted to dress-clothes and parties, or to other things which have a far worse tendency.

In larger offices his duties comprise post-office and bank errands, &c., with a little simple mechanical copying, over which his mind is not exercised for a moment, and, consequently, without adding anything material to his legal knowledge or professional training.

The student, moreover, is all this time under expense without any chance of lightening this burden by any exertions he might be capable of making if an inducement, such as the saving of time under articles, were offered, and without any benefit, such as instruction, for his faithful clerkship. This first year, then, is but a blank in the young man's legal life. He had better be at college with his English, a subject in which the great majority of the "learned men" of our country are woefully deficient; and it is sometimes heart-rending to hear in our courts, and from those too whom we are to regard as our models of professional perfection, Her Majesty's English mutilated and distorted out of all semblance to a modern tongue or language. I say it would be infinitely better to teach the student only English and penmanship this first year, and I am sure the profession thereby would be immeasurably benefitted.

Four years is ample for our curriculum, which is a fairly high standard, and if the barristers to whom students articulated did their duty—their bounden duty in this case—there would be no need for the change which I am about to pro-