

LAW STUDENTS' DEPARTMENT**SCHOLARSHIPS.**

Whilst there will be differences of opinion on the subject brought forward in the following letter, there is much sound sense in what our correspondent advances, and a healthy "ring" about his remarks which must commend them to all.

To the Editor of THE LAW JOURNAL.

Now that the examinations are just over, it is, perhaps, a seasonable time for considering the most desirable manner of conducting them that the best possible results may accrue.

The advisability of offering scholarships has, for a number of years past, been engaging the attention not only of University Senates but of students generally, and it is getting more and more to be the opinion of educational men of modern thought that this practice does not conduce to any great permanent good.

Scholarships and rewards of such nature are intended as a stimulus to students to be proficient in their work. No one would for a moment pretend to say that there ought not to be an incentive to encourage candidates to exert themselves, but the most laudable, and at the same time most profitable for the student is the real satisfaction of being successful for his profession's sake—i. e., for the position which his legal knowledge, together with his natural talents, will give him in that profession and consequently benefit it thereby; but the student who requires an encouragement, so mercenary, so prone to small mindedness as the former, to spur him on to exertion and to success might better, both for himself and the profession, have finished its study with his primary examinations and directed his attention to pursuits in which personal emolument is the principal object, the chief good.

This motive of "reading for a scholarship" is, unquestionable a selfish and unworthy one, but I think I am stating the fact when I say, that with the large percentage of scholarship winners that (if not the still less worthy one of surpassing some individual man) was their direct aim and sole immediate ambition; but how often do we find their genius (?) ending with the "capture" of it!

It is a notorious fact that, as a rule, brilliant "examination men" are soon outstripped in actual practice by their less fortunate, (if it be a misfortune), comrades who comprise the class from which, as a general thing, spring those who attain the highest professional distinction. The fact of their taking a scholarship is by no means a criterion of any extraordinary inborn talent, when we consider that the majority of these men months before abandoned their office duties entirely, and settled down to a systematic course

of mechanical "plugging," while seemingly less proficient candidates, taking their examinations regularly as they become due, remained at their post almost to the very hour of examination and thus acquired practice which, although it scores but little on their papers, is none the less necessary to their legal education, none the less necessary to their proficiency as students of the law, and experience, (which is, perhaps, more beneficial to them than the extra "cramming") in after years in the active practice of their profession. With this class of candidates, moreover, their knowledge is too apt to be superficial, and I believe it is no exaggeration to say that the greater number of scholarship men rely more upon their memories than upon any keen perception into the intricacies of legal study, and that which they are unable to fathom by patient reasoning they commit by rote, and is transmitted to the examination paper as mechanically as a phonograph talks.

The tendency of this practice is:—

- 1.—To create among students a rivalry which has its origin in the smallest and most selfish desires.
- 2.—To beget a false and unmanly ambition.
- 3.—To generate petty and ignoble aspirations.
- 4.—To foster anything but correct ideas as to ability and excellence in the minds of those who are shortly to take their places in the ranks of a profession whose improvement should be the highest aim of every man who has the privilege of being a member of it.

Yours, etc.,

PROFESSIONAL.

Hamilton, May 23rd, 1882.

CORRESPONDENCE.

Administration of Justice in British Columbia.

To the Editor of the LAW JOURNAL.

SIR.—Mr. Alpheus Todd's article in your number of May 1st, "on the Supreme Court of British Columbia," referring to the judgment of that Court on the constitutional questions raised in the *Thrasher Case*—commands attention from the respect that is due to the writer's name. It is important, therefore, to see whether he has examined the case with the care and consideration due to his standing as an authority on constitutional subjects—bearing in mind, however, this marked distinction, which must pervade every question involving the construction of the "B. N. A. Act, 1867," namely—that the Constitution of the Dominion is based not only upon the rights and privileges which as part of our Common Law inheritance, and from long usage and practice as British subjects and colonists, as well as in the case of Canada from Treaties, we are entitled to and possess, but also upon the written compact which of our own accord we