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LEGAL NEWS.

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CURRENT TOPICS AND CASES.

The Court of Review, by a majority of one, has affirmed the decision of Mr. Justice Doherty in the case of *Canada Revue* v. *Mgr. Fabre*, 6 S. C. 436. The majority of the court modified to a slight extent the reasons assigned by the court below, the question of libel being eliminated from consideration. Mr. Justice Archibald differed from the Acting Chief Justice and Mr. Justice Taschereau, and would have maintained the demand of damages to the extent of the capital lost by the company in consequence of the Archbishop's *mandement*. The learned judge held that the Archbishop in issuing this circular exceeded his jurisdiction ; that there is no canon law in force in the Province of Quebec to justify the act ; that the circular by forbidding the various services essential to the publication and distribution of the journal, virtually effected its suppression ; and that no authority exists in this country for the suppression of a journal, even where it commits a fault. The conclusions at which the learned judge arrived, in his own words, were as follows:—1. Publication of fair reports of the immorality of priests, not being against the civil law, and not being forbidden by any canon law that governed the Gallican

Church, or that has been proved to have been assented to by the Catholics of Lower Canada, cannot be made a sin or a cause for deprivation of sacraments by mere order of the bishop. 2. A bishop cannot under any canon law in force in the Province of Quebec, forbid the faithful to publish, or to help in the publication of a journal, under pain of deprivation of the sacraments. 3. If the bishop had jurisdiction to issue the *mandement* in question as to substance, he has not complied with the formalities required by the canon law in such cases, nor with such as are required by every system of jurisprudence as essential to the administration of justice. The Acting Chief Justice said the action admittedly was not one of defamation. That being so, it must rest on the ground that the condemnation and prohibition in the *mandement* were beyond the Archbishop's jurisdiction, and constituted an invasion of the plaintiff's rights, from which it (the plaintiff) suffered damages for which the defendant was responsible. The Acting Chief Justice proceeded to contend that the presumption was that the circular was issued in the lawful exercise of the Bishop's authority, and although the act injured the plaintiff, yet as it had not been shown that there had been excess of jurisdiction, or any fault within the meaning of article 1053 of the Code, an action of damages could not be maintained. Considerable importance was attached to the fact that the issues of the journal between the time of the warning contained in the bishops' pastoral and the subsequent *mandement*, had not been produced by the plaintiff to show that the *mandement* was unjustified. The opinions read from the bench are elaborate, and indicate that the case received very careful consideration ; but as these opinions will soon be in the hands of every member of the profession through the medium of the bar reports, it is not necessary to cite further from them at present. The case possesses so much interest that there is a general desire that it should be submitted to the Judicial Committee of the Privy Council.

The year 1895 has been marked by several of the longest trials in our criminal annals. The Hyams murder case, at Toronto, occupied on the first trial 14 days, resulting in a disagreement. The second trial lasted 23 days, with a verdict of acquittal. The Shortis murder case, at Beauharnois, occupied more than a month, although the sole question was whether the prisoner was sane or insane. The jury found the prisoner sane, after an enormous volume of testimony had been adduced, some of which had very little bearing on the case. Lastly, at Montreal, the Demers murder case occupied on the first trial about thirty days, resulting, like the first Hyams trial, in a disagreement. The second trial was considerably shorter, the parties having fortunately concurred and succeeded in the effort to obtain a jury all speaking the language of the prisoner. The two trials occupied fifty-two days, and the criminal term extended over four months and four days.

The threatened invasion of Mount Royal Park by the trolley has a parallel, though not quite so obnoxious, in Philadelphia. The Commissioners of Fairmount Park, some years ago, granted a license for the construction of a passenger railway within the bounds of the park. For some years nothing was done, but recently the construction of a railway, six miles in length, was commenced. The city council opposed the scheme, and an injunction was taken out in the name of the city to prevent the building of the road. The first court has refused to interfere with the prosecution of the work, on the ground that the park commissioners were vested with full authority by the legislature, and that the consent of the city council is not needed. There is a lesson in this case for those who imagine that all mismanagement of municipal affairs can be cured by vesting the control in the hands of commissioners.

Mr. Justice Hawkins, one of the most vigorous and independent of judicial critics, is particularly happy in his onslaught on what may be termed fads and crotchets, from whatever source they emanate. Recently it appeared by the statement of a witness at a trial, that the coroner had declined to hear him because his face was black. His lordship remarked that neither he nor any other judge on the Bench had power to refuse to hear a man because he had a dirty face, and he expressed his great surprise at the statement that the coroner refused to hear the witness because his face was black. He said that at any inquiry everyone should be heard irrespective of his dress or the colour of his face; and that there was no right to refuse to hear a man simply because he happened to be a chimney-sweep and came with his face unwashed. He hoped it was the last time he should hear of such a thing.

The English addresses of counsel and the charge of Mr. Justice Mathieu in the Shortis case, as taken by Messrs. Lomax and Urquhart, official stenographers, have been issued in pamphlet form (Montreal, W. Drysdale & Co.) As a record of a memorable trial the work is interesting and valuable.

SUPREME COURT OF CANADA.

OTTAWA, 26 June, 1895.

NORTH WEST TRANSPORTATION CO. v. MCKENZIE.

Ontario.]

Contract—Correspondence—Carriage of goods—Transportation company—Carriage over connecting lines—Bill of lading.

Where a court has to find a contract in a correspondence and not in one particular note or memorandum formally signed, the whole of what has happened between the parties must be taken into consideration.—*Hussey* v. *Horne Payne* (4 App. Cas. 311), followed.

A shipping agent cannot bind his principal by receipt of a bill of lading after the vessel containing the goods shipped has sailed,

and the bill of lading so received is not a record of the terms on which the goods were shipped.

Where a shipper accepts what purports to be a bill of lading under circumstances which would lead him to infer that it forms a record of the contract of shipment, he cannot usually, in the absence of fraud or mistake, escape from its binding operation merely upon the ground that he did not read it, but that conclusion does not follow where the document is given out of the usual course of business and seeks to vary terms of a prior mutual assent.

Appeal dismissed with costs.

Osler, *Q. C.*, *& Lister*, *Q. C.*, for appellants.
Laidlaw, *Q. C.*, *& Kappele*, for respondent.

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9 December, 1895.

LAW v. HANSEN.

Nova Scotia.]

Action—Bar to—Foreign judgment—Estoppel—Res judicata—Foreign judgment obtained after action begun.

A collision occurred at sea between the ship "Rolf," belonging to H., and the barque "Emilie L. Boyd," belonging to L., by which both vessels were damaged. L. took proceedings against the "Rolf" in the district court for the eastern district of New York, which resulted in a decision that the "Boyd" was solely to blame for the collision, and this decision was affirmed by the final court of appeal for such cases. Before this judgment was obtained H. had taken an action in the Supreme Court of Nova Scotia against L., to which L. pleaded that the negligence of those in charge of the "Rolf" was the sole cause of the accident. After the American Court had given judgment in the former cause H. replied to this plea setting up the said judgment as a conclusive answer, and on the trial it was held that such judgment estopped L. from again contesting the question as to his negligence, though the trial judge was of opinion that the "Rolf" was to blame. This decision was affirmed by the full court.

Held, affirming the judgment of the Supreme Court of Nova Scotia, that the judgment of the American court, in proceedings between the same parties and involving the same issue, was a bar to the later action in Nova Scotia, and it made no difference that such later action was begun before said judgment was obtained.

Appeal dismissed with costs.

Borden, Q. C., for the appellants.
Newcombe, Q. C., & Drysdale for the respondent.

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9 December, 1895.

LOWENBERG & CO. v. WOLLEY.

British Columbia.]

Principal and agent—Negligence of agent—Financial brokers —Lending money for principal—Liability for loss—Measure of damages.

W. having money to invest, consulted a member of the firm of L. & Co., brokers and real estate agents, who informed him that he had a first class gilt-edged investment, and W. gave him $5,500, authorising him to lend it on the security mentioned, and as it was represented by the broker. The security was a mortgage on land, and the broker personally knew neither the borrower nor the property, but acted on the certificate of two friends of the borrower, neither of whom had experience in valuing real estate, which represented the land to be worth $7,000. No interest was ever paid on the mortgage, and on attempting to realize on the security it was found that the land was not worth more than half of the amount loaned. W. then brought an action against L. & Co. for the amount of the loan, claiming that they were guilty of negligence in the transaction.

Held, affirming the decision of the Supreme Court of British Columbia, that the evidence established that L. & Co. were agents of W. in the matter of the loan, as they professed to act for him and in his interest, and it made no difference that they were remunerated by the borrower and not by W. their principal; and it was also proved that L. & Co. were guilty of gross negligence and liable to make good the loss sustained by W. in consequence thereof.

Held, also, reversing the decision appealed from, Taschereau and Gwynne, JJ., dissenting, that W. was not entitled to recover back the whole sum advanced to the brokers with interest at the rate in the mortgage, as held by the Court below, but could only recover the loss occasioned by the over valuation adopted and acted on by the brokers.

Held, per Gwynne, J., that W. was entitled to the sum advanced, but with interest at 6 per cent only.

Appeal dismissed and judgment varied without costs.

Robinson, Q. C., for the appellants.
Moss, Q. C., for the respondent.

THE LORD CHIEF JUSTICE ON LEGAL EDUCATION.

The Lord Chief Justice of England delivered an address on the 28th of October in Lincoln's Inn Hall, on the occasion of the opening of the lectures under the Council of Legal Education. The chair was taken by Lord Macnaghten, who has recently been appointed, in succession to Lord Justice Lindley, chairman of the Council of Legal Education.

The Lord Chief Justice, after observing that the place which he occupied would have been more worthily filled by Lord Justice Lindley, said:—I propose to myself to-night but one object, and that is to endeavor to give what I conceive to be a much-needed stimulus to the cause of legal education. With that object in view I shall ask you to follow me whilst, with needful brevity, I consider—(1) The past history of legal education in England; (2) its present state; (3) its state in other countries; and, finally, (4) the shortcomings in our present system, and how those shortcomings may best be remedied and a system of legal education established on a broad and enlightened basis. In speaking of our law I would avoid, on the one hand, the undiscriminating praise of Blackstone, and, on the other, the uncompromising censure of Bentham. Our law is, no doubt, unsystematic in its character; it is labyrinthine; it is disfigured by crudities, which it is gradually rejecting; it is insular, and therein lie at once its weakness and its strength. But its faults are faults of form and method, rather than of substance. It bears the marks of its native origin. It is not a system fashioned by the great minds of one day or generation. Its growth, like that of our Constitution, has been slow. It is instinct with the genius and peculiarities of the mixed race from which it has sprung. It is elastic in its character, and it follows, slowly indeed, but surely, the needs of society, always changing and always progressive, bringing itself more and more closely into accord with the social, political, and moral sentiments of the community. In the historical portion of my address I avail myself of the evidence given before the Gresham Commission of 1892, and particularly of that of my friend Mr. Montague Crackanthorpe, who has been so earnest and steadfast an advocate of improvement in our legal educational system, but whose voice has so often been as the voice of one crying in the wilderness. I do not approach the subject exclusively from the standpoint of the professional lawyer. Some training in law ought to

be part of a liberal education. The wisdom of the councillors of the Stuart time prompted the passing of a law compelling the eldest sons of nobles and of great landowners to go through a course of legal training to fit them for the due discharge of the duties appertaining to their station. To-day all classes and all grades of society have the same need. The wisdom of Parliament has widened the area, not only of the rights, but also of the duties of citizenship.

Legal Education in the Past.

I recur to the points on which I desire to dwell: and first a few words about the past history of legal education. Need I say that that history means in effect the history of the Inns of Court? It is impossible to speak of the Inns of Court without emotion. They are unique in the history of the world. They are private, unincorporate associations, and, except for such difference as the confirmatory charter of James I. may have made in the case of the Temple Inns, they hold their property on no express trust, and, probably, on no enforceable implied trust. Yet, during their venerable history they have, now with greater, now with less zeal, fostered legal education: and, further, they have, by their disciplinary authority, uniformly upheld a high standard of professional conduct. If they had done nothing but this last, the world would be largely their debtors. One thing, however, is clear, that again and again earnest men in the profession of the law lamented the deficiencies of the Inns of Court as legal seminaries. Bacon, Lord Verulam, is loud in his lamentation of the absence of what he calls a "legal university" in London, "which shall impart legal knowledge and befit men for public life." Meanwhile, in the universities the study of law, except the canon law, was neglected. Chroniclers agree that the period from the sixteenth to the eighteenth century was marked by apathy in the Inns of Court; that legal instruction and legal learning were, on the whole, at a low ebb; and coincident with that apathy, and in part, probably, because of it, arose that system of special pleading, the painful record of whose subtleties fill many volumes of laborious law reports. In our civil suits this system has gone by the board, but its spirit still survives in our criminal procedure. In our civil procedure the enemy against which we have now to guard is not over-technicality, but redundancy and prolix statement, often of immaterial matter.

PRESENT STATE OF LEGAL EDUCATION.

I pass to the consideration of the present state of legal education. The action of the other branch of the profession of the law has done something to quicken the public conscienee. In 1832 the charter of the Incorporated Law Society had been obtained, and the body of solicitors had aimed at ensuring adequate legal education for those who desired to be enrolled as solicitors. Since 1836 a satisfactory public examination had been a condition precedent to admission as a solicitor; but it was not until 1872 that a similar rule came into existence for aspirants to the Bar. In 1833 some of the Inns appointed readers or lecturers in law, but the students at Lincoln's Inn could not attend the lectures at the Temple, nor Temple students the lectures at Lincoln's Inn. The report of the House of Commons Committee of 1846 is a scathing condemnation of the then state of things. The committee arrived at several important conclusions. It resolved that no legal education worthy of the name, of a public nature, was then to be had. It called attention to the striking contrast in this regard between England and the more civilized States of Europe and America. The single net result of this report was the formation, in 1852, of a standing council of eight Benchers, representing all the Inns, to frame a scheme of lectures open to the members of each the Inns. This standing council was the germ of the Council of Legal Education. Subsequently five readerships were instituted—viz., in jurisprudence and Roman law, real property, common law, equity, and in constitutional law and legal history. But still there was no guarantee of competent legal learning as a preliminary to call. The student had his choice either (1) to pass an examination, or (2) to attend for one year two sets of the lectures, or (3) attend for a like period in a barrister's, pleader's, or conveyancer's chambers. It was the taunt levelled at the Bar that, while in other professions and in handicrafts long service and special preparation were considered necessary as a guarantee of fitness, there was no such safeguard in the case of the Bar. It was said that a man had only to "eat his way" to the Bar, which was a contemptuous mode of condemning the requirement of keeping term by dining in hall. I do not join in that condemnation. I maintain that the requirement is wise and useful, but it must not stand alone. Just as much of the advantage of university life springs from the association of students in their studies and sports, so the meeting

in hall, for even the commonplace purpose of dining, has its direct advantages. Friendships are formed, schemes of mutual encouragement in study are set on foot, a spirit of emulation is cultivated, a feeling of good fellowship springs up, the rough edges are smoothed off, and a standard of manners and conduct attained which, fashioned by the students in the aggregate, will generally be found to be higher than in the average individual. In 1855 a royal commission was appointed "to inquire into the arrangements of the Inns of Court for promoting the study of the law and jurisprudence, the revenues properly applicable, and the means most likely to secure systematic and sound education for students of law, and to provide satisfactory tests of fitness for admission to the Bar." The character of their inquiry and their report is like that of the committee of 1846, already dealt with. It condemns the existing state of things and recommends the formation of the four Inns of Court into a legal university, with power of conferring degrees in law, and that the necessary funds for carrying out the scheme of education shall be provided by the Inns of Court. The movement inaugurated by the late Mr. Jevons, solicitor, of Liverpool, in 1868, taken up by Sir Roundell Palmer, and followed by a resolution debated in the Commons in 1872, affirming the necessity for the establishment of a law school, followed in turn by Sir Roundell Palmer's (then Lord Selborne) Bill of 1877 with that object, which obtained a second reading in the House of Lords—all these events passed lightly over the heads of the Benchers. They had, however, ultimately some definite and important results. According to the existing regulations, the curriculum embraces Roman law and jurisprudence, international law, constitutional law and legal history, and English law (including equity) in all its branches. There is a staff of readers and assistant readers, the readers being appointed for three years and the assistant readers on terms left to the discretion of the council. The lectures and classes are carried on throughout the year, except during vacations. There are four examinations for call to the Bar in each year, and each person must pass a satisfactory examination in Roman law and constitutional law and legal history, and in certain heads (as determined by the council) of English law, including equity; but the council may accept as an equivalent for the examination in Roman law certain university degrees and testamurs.

Legal Education in Other Countries.

In the collegiate and university system of Europe law holds a much more important place than with us, and the professor of law, who is also generally the text-writer and jurist, holds—and rightly—a much higher position. In France there are eleven seats of faculties of law, and before joining the law school each student must obtain the degree of "Bachelier-ès-Lettres." To become qualified as an *avocat* he must be a licentiate of law, and this involves an attendance at law lectures for two years or more and the passing, during this course, of several examinations. In Germany the law student requires, as a preliminary to admission as a student, a certificate of proficiency in classical and modern literature, and in mathematics. In general, attendance at the law lectures of university professors is obligatory. In Berlin the curriculum extends over some three years, and applies to as many as sixteen legal subjects, or subjects cognate to law. In a word, these foreign systems show that the teaching of law on a comprehensive and scientific system is regarded as a matter that concerns the State. I turn to the state of things in the great Western Republic, where our own system of law largely prevails, expanded and modified to meet the existing conditions of society. The general system in the United States may be described briefly thus: The law student is required to spend from eighteen months to two years—sometimes more—in a law school before applying himself to the actual practical work of the profession in solicitors' chambers. That period is passed in the learning of law, historically and scientifically considered. According to the report of the American Bar Association for 1894, there were then existing in the United States 72 law schools, attended by 7,600 law students. In such schools there were engaged altogether some 500 professors, whose business is the teaching of the law. The schools are, for the most part, in connection with universities; but it is to be noted that, although this is so, the majority of students do not, in fact obtain university degrees. The percentage of students who have such a degree varies from 76 per cent. in the case of Harvard students to 17 per cent. in the case of students of the Columbian University.

Defects in Our System.

I now come to the concluding head of my subject—namely, What are the shortcomings of our system of legal training; and

how can these shortcomings be remedied? But here,it will be said, 'Why should we trouble ourselves? You admit that our system is better to-day than in former times, yet in the worst times we have had at least a reasonably good Bar and a reasonably good judiciary.' It is true we have had a good Bar and a good judiciary, but we have had these, not because but in spite of, our system of legal education. A better system will not make our Bar less able or our Bench less learned. Have we ever considered how small a part that Bar and Bench play in the field of jurisprudence and legal literature? Except in the United States, there are few of our text-writers known, and even in the United States the number is becoming less and less as authors of native growth spring up; and few even of the greatest judgments of our most distinguished judges are to-day cited in any legal forum but our own. What are the arguments of counsel? And, indeed, what are the judgments of our judges? Are they much more than a nice discrimination of decided cases? I am speaking, I need not say, of the rule to which there are exceptions. I firmly believe that much of this is attributable to the absence, through succeeding generations of lawyers, of a comprehensive and scientific system for the teaching of law. Nor do the effects of our want of systematic teaching end with the Bench, Bar, and text-writer; their effects are also, I firmly believe, to be traced in the unmethodical, unsystematic character of our legislation. But can it even be safely predicted of our present system that the test examinations, under the improved regulations, supply any guarantee of competent knowledge? I have admitted that mastery of the subjects in the curriculum would be adequate equipment for the Bar. But are the subjects mastered? From inquiry I have made, I have reluctantly come to the conclusion that, with all the care taken, the examinations are such as can be satisfactorily passed without any prolonged study, and without any real learning, under the guidance for a comparatively short period of the skilled crammer. Compare our legal system with the elaborate care and training in the medical and surgical schools. As has recently been well said by Sir Edwin Arnold, the labours of educational preparation for these professions grow, year by year, harder and harder—and so they ought. To be up to the high-water mark of proficiency, a young doctor must to-day be a chemist, physiologist, botanist, mechanician, and many things besides. Before leaving the subject of the

existing legal curriculnm, I desire to mention that students have complained to me that the lectures, whether in the lecture-room or in the class-room, are sometimes essays merely, and frequently above their heads. They say that when the lecturer is speaking of legal documents, examples of the actual things are not put before them, and they fail to realize them. They say the classes are not sufficiently catechetical, and that when the lecturer has delivered himself he disappears, and is not available for advice and assistance from day to day in moments of doubt and difficulty. It is certain, if these complaints are well-founded, that they point to serious defects in our methods of instruction. On the whole, therefore, is there not reason to think that our system of education is not satisfactory, that it is not thorough, that it does not supply any real test of adequate knowledge, that we are in too great a hurry to manufacture barristers, and that by this course we are neither recognizing our responsibilities to the public nor the true interests and dignity of the profession of the law? What are the objections of the Council of Legal Education? To begin, it is the creation of the concerted action of the four Inns of Court, and, therefore, the dissentient action of any one of them might undo it, though I admit this is not a probable contingency. Its powers are limited. It has not a free hand. Although it has now powers of initiative, that initiative may at any moment be checked by any one of the Inns of Court. It is composed solely of Benchers of the Inns. This I conceive to be a grave defect. It is composed of men of advanced age—of men already fully burdened with the weight of professional and judicial work. Why should not the zeal and energy of younger men be utilized, aye, and of men outside the profession of the law if they are able to bring useful experience with them? Again, why are solicitors and students in that branch of the profession excluded? Down to the middle of the sixteenth century all members of and students for either branch of our common profession were alike part and parcel of the Inns of Court. I have never understood how the solicitors were then properly excluded. Some, I understand, advocate the separation as a barrier against fusion. I do not advocate fusion, nor do I believe in the probability of its occurrence, on the ground, mainly, that the distinction between the branches is the result, not of an arbitrary, superimposed ordinance, but of a division gradually evolved because of its supposed convenience and utility. In America the distinction

really, though not nominally, exists to a large extent. See the enormous gain to the cause of legal education from the junction of the two branches. With increase of numbers comes increase of emulation amongst the students, and consequent incitement to the teachers to put out their best efforts, which the chilling influence of sparse attendance at lecture or in class will not bring forth. Have the Inns' lectures, even under the improved system, been a success? Look at the attendance. In 1892 only 582, whilst in 1893 the number had fallen to 460, and in 1894 to 384. A word as to the teaching staff. I say nothing to their disparagement. Far from it. I have no doubt they are able men, but many of them are men with whom teaching is not the business of, but only an incident in, their professional lives. For a large class of subjects which must be taught—for example, jurisprudence, Roman and constitutional law and legal history, international law and comparative law—we want a professional class of teachers; and we must make it worth the while of able men to devote themselves to such teaching as a calling. This class we cannot hope to have without being in a position to offer adequate reward and security of tenure, and these in turn we cannot give unless and until the system of legal education is under a body of men permanently constituted, so as to command the confidence of the public and the profession—a body invested with adequate powers, clothed with public responsibility, and amply endowed. It will then be asked, "What do you propose?" I answer, first, in general terms, that I desire to see legal education placed under a body permanent in its character, not purely legal in its composition, which shall be in close touch and sympathy with the Inns of Court, but shall not be governed by them —a body with public responsibility, which shall be free to call to its aid, from any quarter inside or outside the profession, men whose experience and attainments best fit them for the work of legal education.

Suggested School of Law.

How is such a body to be brought into existence? Two schemes have been suggested. One is that in connection with a teaching university in London there should be founded a faculty of law to be endowed by the Inns of Court. In reference to this scheme, it is, perhaps, at this time enough to say that there is not at present any teaching university in London in connection

with which such a faculty could be founded, and the scheme which I propound would not prevent such a connection being established should that course hereafter appear desirable. My proposition is that a royal charter should be obtained to establish a school of law, to be called, say, "The Inns of Court School of Law." The senate, or governing body, should consist of, say, thirty members, ten to be nominated by the Inns of Court, ten by the Crown, one each by the Lord Chancellor, the Lord Chief Justice, and the Master of the Rolls, one each by the four Universities of Oxford, Cambridge, London, and Victoria, and three by the Incorporated Law Society. These figures are merely suggestions. Personally, I should desire to have some of the governing body elected by the free voice of the profession as a whole. It should not limit the representatives of the Inns of Court or of the Incorporated Law Society to members of their own bodies respectively. In this way, coupled with the nominating power of the Crown and of the universities, security would be had against that narrowness which, in spite of ourselves, has a tendency to creep into purely professional associations. I attach importance to the universities being directly represented on the governing body, because (amongst other reasons) it would render it easier, and with safety, to determine what degrees and what testamurs might properly be accepted in the case of university students and graduates, and it would tend towards establishing that connection of legal education with university training which, with advantage, largely prevails in other countries, but is almost wholly wanting in our own. I think such a scheme, well considered in detail, ought to receive the sanction of the Inns of Court, and would receive the warm support of the profession generally. It continues the name of the Inns of Court—as it ought to be continued—in connection with the cause of legal education. The new creation would be, in effect, their child. On the governing body their voice would be powerful, and to the Inns of Court, I need hardly say, we must mainly look for the funds to carry on the work in worthy fashion. The Inns of Court—to their credit be it said—have never shown a spirit of parsimony. On the existing system the annual expenditure amounts to some 7,000*l.* If the lectures and classes are made attractive, I doubt whether any larger sum, or, at all events, any substantially larger sum, would be required to work the scheme which I advocate. Never at any time, in any State,

has there existed such a conjunction of circumstances as marks London pre-eminently to-day as the seat of a great school of law. We are here at the very heart of things, where the pulse of dominion beats strongest, with a population larger than that of many kingdoms—a great centre of commerce, of art, and of literature, with countless libraries, the rich depository of ancient records, and the seat at once of the higher judiciary, of Parliament, and of the sovereign. From this point is governed the greatest empire the world has known. From our midst go forth to the uttermost ends of the earth, not merely those who symbolize the majesty of power, but, happily with them, those who represent the majesty of law—law without which power is but tyranny. It has been well and truly said that there is hardly any system of civilized law which does not govern the legal relations of the Queen's subjects in some portion of the empire. In parts of Canada, French law, older than the first empire, modified by modern codification, prevails—in other parts, the English system; in Australia, English law, modified by home legislation in those self-governing communities; in parts of Africa Roman law, with Dutch modifications; in the West Indian Colonies, Spanish law, modified by local customs; in India, now the Hindu, now the Mohammedan law, tempered by local custom and by local legislation. Surely these facts suggest great possibilities and great responsibilities. Is it an idle dream to hope that, even in our day and generation, there may here arise a great school of law worthy of our time, worthy of one of the first and noblest of human sciences, to which, attracted by the fame of its teaching, students from all parts of the world may flock, and from which shall go forth men to practise, to teach, and to administer the law with a true and high ideal of the dignity of their mission?

Lord Macnaghten, in thanking the Lord Chief Justice for his address on behalf of the Council of Legal Education, observed that he thought a more hopeful view might reasonably be entertained than was felt in some quarters on the prospects of legal education without making any organic change, and he was inclined to think that the scheme proposed by the Lord Chief Justice required a much larger change than was necessary for the consummation of the desires of his noble and learned friend.

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