Canada Law Journal.

VOL. XVII. AUG. 22, 1881. NO. 15.

DIARY FOR AUGUST.

1. Mon..Battle of the Nile, 1798.
2. Tue..2nd Intermediate Examination.
3. Wed..2nd Intermediate Examination.
4. Thurs1st Intermediate Examination.
5. Fri...1st Intermediate Examination.
6. Sat...Price Alfred born, 1844.
7. Sun..,*8th Sunday after Trinity.*
10. Wed..Primary Examination.
11. ThursPrimary Examination.
12. Fri...Primary Examination.
13. Sat..Sir Peregrine Maitland, Lt. Gov. U.C., 1818.
14. Sun...*9th Sunday after Trinity.*
18. Thurs..Gen. Hunter, Lieut.-Gov. U. C. 1799. Final Examination.
20. Sat..Final Examination. Long vacation Q.B., C. P. Chan· and Co. Court ends.
21. Sun..*10th Sunday after Trinity.*
22. Mon..Trinity Term begins.
26. Fri...Re-hearing Term in Chancery begins. Francis Gore, Lieut.-Gov. U. C., 1806.
28. Sun..*11th Sunday after Trinity.*
31. Wed..Long Vacation in Supreme Ct., Exch. Ct. and Ct. of Appeal ends.

TORONTO AUG. 22, 1881.

IN another place will be found an interesting obituary notice of the late Lord Hatherley.

THE long vacation is at an end, and the day which summons our readers to resume their toils, acquires on this occasion a significance peculiarly its own, for reasons which it is scarcely necessary to specify. Suffice it to say, that at this opening of a new legal epoch, "from and after which" the Ontario Courts are to be "united and consolidated together," the LAW JOURNAL, while not so churlish as to refuse the tribute of a respectful sigh to the memory of the deceased Courts of Queen's Bench, Chancery, and Common Pleas, offers its congratulations to their new-born successors, and trusts that the various "Divisions" may belie their name by producing harmonious "fusion," in which the lamb of Equity shall lie down in peace beside the lion of Common Law.

WE do not know whether the large number of candidates at the primary and final examinations, held during the present month, is to be attributed to the pleasing nature of the prospect held out in the preceding paragraph, or to the hope that the heat of the dog-days will have a tendency to melt the hearts of the examiners. It is the fact, at all events, that thirty-two candidates presented themselves at the recent examination for Certificate of Fitness, which is, we believe, a larger number than on any previous occasion. The number of candidates at the other examinations was also far above the average, especially as regards matriculants from universities.

A TARIFF of fees has been made by the Judges of the Supreme Court for Ontario, for the High Court of Justice, under the Judicature Act. It comes into force this day, 22nd August. The fees allowed are almost identical with those now allowed for similar services; and additional items have been added for new services under the Judicature Act. The Judges do not appear to have increased the existing tariff; but, we apprehend the result of the Act will be as in England, a large increase in bills of costs.

THE *cause celebre* of *Angus* v. *Dalton* has finally been decided by the House of Lords in the plaintiff's favour. It was, as our readers will remember, an action to recover damages for the fall of a house caused by excavations made by a neighbouring owner. A verdict was given for the plaintiff at the trial, under the direction of Mr. Justice Lush, but the Queen's Bench on motion directed a verdict for the defendant. This decision being reversed by the Court of Appeal, the defendant went to the House of Lords, where the appeal was dismissed with costs.

AN esteemed cotemporary concludes its remarks upon a recent statute in these words:—"Though the Legislature and the Law Society may by their combined efforts make a man a barrister, nature alone can make him a lawyer." The temptation to construct an epigrammatic sentence has, we fear, led its author a little astray. We know on good authority that "the poet is born, not made," but we strongly question the applicability of the Ciceronian maxim to the lawyer, who must seek for distinction by the arduous path of unremitting toil, and will soon find himself distanced in the race for fame and fortune, if he draws his law from the fountains of "nature alone."

ATTORNEYS and solicitors, and especially those in country places, have occasionally complained, and not without reason, that their position is often unfortunate, in that whilst they have to get money as best they can from clients, and have to wait for it, and sometimes lose it, counsel whom they employ expect their fees to be paid in cash, or at a short date. These expectations, however, are not always realized. The boot is sometimes on the other leg, and we happen to know of cases where money intended for counsel has never got beyond the pocket of the lawyer who engaged him. The proper mode of treatment in such cases has recently been prescribed by the Queen's Bench Division in England. A solicitor there received £27 to pay counsel who had conducted proceedings for his client. He did not pay the money. The matter was eventually brought to the notice of the Incorporated Law Society, who, after writing the delinquent without result [Benchers will kindly note this fact], applied to have him struck off the rolls. The money was then paid, and a lame excuse made to the Court. But Lord Coleridge said that the solicitor's conduct was fraudulent, and he felt (as he had often said) that, as solicitors were invested with a position and claim to confidence as officers of the Court, the Court was bound to exercise a control over their conduct. The solicitor must be suspended for six months, and pay all the costs. Baron Pollock concurred.

AN industrious correspondent has flooded us with the cards and newspaper advertisements of a barrister, who resides less than a hundred miles from the county town of Northumberland, and asks us to notice his unprofessional mode of bringing the many advantages enjoyed by those who employ him to the notice of the public. As this journal does not circulate amongst those who would be benefited by his services, it seems useless for us to re-state his announcement that he "will continue his law, loan, and insurance practice with good assistants." It strikes one as strange, however, that such a "smart" man (as our Yankee friends would call him) can require any assistance. But this may be accounted for, perhaps, by the following: "He thanks his friends for their confidence and good-will during his recent illness." No wonder he was ill with all these different "lines" to attend to. Whilst we

feel that we have a right to "chaff" one, who, for all we know, may have erred through ignorance, there can be no doubt that this objectionable style of advertising, on the part of a professional man, may have to a great extent been induced by the fact that irresponsible invaders have largely "cut into" the legitimate business of lawyers, and especially so in country places. We need scarcely refer to this matter further, but we have a fresh instance of this sort of thing in an elaborate card now before us, of one who thus advertises his wares, "Dry Goods, Groceries, Commissioner and Conveyancer, Real Estate Agent, Boots and shoes." An additional letter on this much-debated subject appears in another place. Some think that the remedy therein proposed would be rather worse than the disease. The matter, however, is before the Benchers for consideration, and we think they are alive to its importance.

SCIENTIFIC LEGISLATION.

In these days of much legislation it is strange that some legislator, learned in the law, has not taken up various departments or branches of our law and sought to treat them on some scientific principle. It is hard for the legal mind to grasp, it is impossible for the lay mind to comprehend, differences and distinctions which to be explained must be traced back to the dark ages.

Mr. Meredith did good work for the profession when he prepared the Wills Act—one of the best pieces of legislation we have on our Statute book. We care not where he got the material which served as the foundation of the enactment. It deals concisely and well with the subject. Why should we so nearly assimilate the devolution of realty and personalty as we do in this Province, and, at the same time, retain senseless and puzzling differences? We adopted the Statute of Distributions as our rule as to the descent of personalty, 22 & 23 Car. II. cap. 10, and in 1851 we passed our Real Property Statute. By this means the descent of realty and that of personalty are brought very near the one to the other, but there remain distinctions difficult to bear in mind and not easy of explanation. The seventh section of the Statute of Distributions provides that there shall be no representation admitted among collaterals after brothers' and sisters' children. If the next of kin of the intestate should be nephews and nieces, a child of a deceased nephew or niece will not be admitted to share in the distribution. If the deceased left realty, the child of the deceased nephew would take his share.

Then again, in dealing with the law of contracts, why should we have one rule as to what is needed to bind in the case of personalty and another in the case of realty? No satisfactory reason can be assigned for this distinction, whilst much may be said against it. The more simple the rules for the guidance of men in their dealings with each other can be made, the less likelihood will there be of difficulty and misapprehension, and the less probability of those entanglements which result in a waste of time and power in litigation. During the past quarter of a century great progress has been made in the way of simplifying the practice in our Courts. Why should we not see that some well-defined principles be applied for our guidance as to property, whether real or personal, which would result in some model legislation, in place of the hap-hazard patchwork which deforms our present system?

We throw out these suggestions at this time, in the hope that those who may feel called upon to act in the premises, may have ample time to consider the subject, and, we trust, some measure tending to the accomplishment of the desired end, before the Legislature meets.

SELECTIONS.

THE LATE LORD HATHERLEY.

WILLIAM PAGE WOOD, Baron Hatherley, was the second son of Sir Matthew Wood, the friend of Queen Caroline. He was born on November 29, 1801, and was named after his uncle, William Wood Page, to whom he attributed the early taste he had for literature. In 1812 he went to Winchester College, where he was a pupil of Dr. Gabell and Dr. Williams. In May, 1818, he was a prefect, when the famous barring out took place; and young Wood, although distinguished for his industry and good conduct, found himself expelled, through refusing to give up the names of his schoolfellows engaged in the plot. He was afterwards sent to Geneva; and at the Genevan University he took up Roman law, and attended the lectures of, among others, the Professor Rossi who was afterwards assassinated while Minister to Pius IX. He was next sent on the Queen's behalf to Italy to collect evidence for the trial, and acted as translator and interpreter to the commissioners. The result of the inquiries upon his mind was the firm belief, to which he frequently testified since her death, in the innocence of the accused lady, although he would admit that she had been imprudent in needlessly exposing herself to suspicion. In 1819 William Page Wood joined his brother, the late Rev. Sir J. Wood, at Trinity College, Cambridge. He obtained a scholarship on his first trial, and was always in the first class at the examinations. As a junior soph he gained a prize for a declamation on the question, "Whether the Revolution or the Restoration had conferred the greater benefit on our country?" In October, he stood for a fellowship and was elected, although nearly rejected, by veto of the master and one senior, in consequence of the Radicalism of his prize declamation. The threatened veto was withdrawn; and afterwards Lord Hatherley, as a Cambridge University Commissioner, helped to deprive the master of the despotic veto he possessed. He was admitted a student of Lincoln's Inn on March 1, 1824, immediately after his Cambridge degree, and was called by the same learned society in 1827. He was a pupil of Master Roupell's for equity drafting, and studied conveyancing under Mr. John Tyrrell, a master of real property law. The Real Property Commission was constituted in 1830, with Lord Campbell at the head; and Lord Hatherley's early initiation into the mysteries of fines and recoveries, leases and re-leases, which preceded Lord Campbell's reforms, prepared him to welcome the simplifications of the law and procedure which followed. Being called to the bar on November 27, he took chambers with Mr. Lowndes (afterwards judge of a local Court at Liverpool) at 3 Old Square, and almost immediately got into practice as an equity draftsman and conveyancer; suffered in Court from the rudeness of Sir John Leach, and was consoled by the courtesy of Lord Lyndhurst. He changed his chambers in Old Square twice, and went to Stone Buildings in 1841, where he remained until his promotion to the bench. With the beginning of railway business, a lucrative period of employment before Parliamentary committees opened for Mr. Wood. In 1830 he was earning 800*l.* a year, and married Charlotte, the only daughter of Major Edward Moor, F.R.S., of Great Bealings, near Woodbury. Leaving the committee rooms, Mr. Wood attached himself to Vice-Chancellor Wigram's Court. In 1847 he was returned as member for the city of Oxford. He continued to represent that constituency till he became a Vice-Chancellor. Meanwhile (in 1845) he had been appointed Queen's Counsel. Having been Vice-Chancellor of the County Palatine since May 1849, he became Solicitor-General in Lord John Russell's Government on March 28, 1851, and was, according to the usual practice, knighted. Lord Chancellor Truro offered him the post of Vice-Chancellor in this year, but the Prime Minister requested his Solicitor-General to continue to act as law officer. He retired with his political chief in 1852, and went back to private practice. In the meanwhile, he had served on the commission for reforming the procedure in Chancery, and had been made an honorary D.C.L. of Oxford. On January 10, 1853, his party was again in office, Lord Aberdeen being Premier; and Sir William Page Wood took his seat as a Vice-Chancellor on Sir George Turner's joining the Lords Justices of Appeal. Few judges of first instance gave more confidence to suitors than Lord Hatherley. His judgments were not finished and elaborate compositions; they

were delivered extemporaneously, without prepared notes—a practice in which he was justified by the consciousness that so much writing was injurious to his health. In addition to his labours as a regular judge and on legal commissions, he was selected by Lord Chancellor Cranworth to act with Lord Wensleydale and Sir Lawrence Peel as arbitrators between Her Majesty and the late King of Hanover with reference to the Crown jewels claimed by the King. The four volumes of "Kay and Johnston's Reports," from 1855 to 1859, are devoted to his decisions. He became Lord Justice of Appeal on March 5, 1868; and it was a mark of the respect in which he was held that, on this occasion, Lord Justice Selwyn, whose appointment was of earlier date, gracefully gave up to him the seniority, in deference to his long services and experience. He was, however, to take precedence in the Court of Appeal in Chancery by a still higher title. Before the end of the year Mr. Gladstone was Prime Minister, and Sir W. Page Wood became his Lord Chancellor, being raised to the peerage by the title of Baron Hatherley, of Down Hatherley. He held this high office for four years, but retired in 1872, owing to increasing failure in eyesight, and was succeeded by Lord Selborne.

In the career of his nephew, Sir Evelyn Wood, Lord Hatherley took the greatest interest. The meeting of Sir Evelyn with his white-haired uncle was one of the most affecting scenes on the general's return from the Cape after the crushing of the Zulu rebellion; and in the recent operations in the Transvaal, when the news of Sir George Colley's defeat and death reached this country, the old lord was heard to utter his nephew's name in the night, as if he dreamt that Sir Evelyn also was meeting with disaster. Another occupation of Lord Hatherley's age was in his charities, which were manifold and generons. He had been some days prostrated by illness; and on Sunday, 10th inst., he died at his house in Great George Street, in his eightieth year.

As a judge, Lord Hatherley was greater as a Vice-Chancellor than as Lord Justice and Lord Chancellor. His patience, care, and acuteness were invaluable in the decision of the cases which came before him But Lord Hatherley can hardly be said to have left a mark on the jurisprudence of his country. He was sound and just in his decisions; but he was without any great originality of thought or expression. The form of his judgments is much against their permanence. They were almost always orally delivered, and not compressed and strengthened by being written, and they were always diffuse and frequently obscure. As a man he is an example of the class, fortunately common at the present day, who do more than volumes of argument to disprove the vulgar belief that the study and practice of the law have any prejudicial effect on morality and religion.—*Law Journal.*

CURIOUS CASES OF NEGLIGENCE.

Several recent cases of negligence seem to deserve a place among the humorous phases of the law. In *Camden and Philadelphia Steam Ferry Company* v. *Monaghan*, Pennsylvania Supreme Court, February 24, 1881, 10 W. N. C. 47, the plaintiff was a passenger by the defendant's ferry-boat from Camden to Philadelphia. As the boat approached the wharf she arose from her seat, along with the other passengers, and at the moment of the collision she was standing inside the cabin. The boat struck the bridge with such force as to throw the plaintiff down and produce the injury complained of. The court said: "Of course, it is true that if she had remained in her seat she would not have been injured, but it does not necessarily follow that her act of leaving her seat was contributory negligence. Had she occupied a manifest place of danger, as for instance, a position very near to the end of the boat where there was no railing, and been precipitated into the water by the shock of the collision, the contention of the defendant would be much more appropriate, and would, perhaps, be conclusive against her. But the position she was in at the moment of the accident was not one of apparent danger at all * * * It is the uniform habit of persons riding on steamboats to be upon their feet at will while the boat is in motion, and especially as it approaches the landing. It is one of the most comfortable and satisfactory features of steamboat travel that passengers are at liberty to move about from place to place on the vessel while it is in motion." Inasmuch as seats are usually provided for less than half the passengers, the argument

of the ferry company seems particularly impudent.

Another case was in an English county court, where the widow of a medical man sued the owner and occupant of a house for injuries inflicted on her by the bite of a dog belonging to one of them. The dog was savage when chained, as they well knew. The plaintiff, who was dependent on charity, had gone to the house to solicit aid, bearing a general letter of introduction. Not knowthe regular visitor's entrance, she inquired the way, and was directed to the back gates or tradesmen's entrance. She entered through an open door, and seeing no bell, or other means of signalling her arrival, she went to the foot of a staircase on one side of the stable-yard, and was there bitten by a dog, which was chained. It was held that she was on the premises for an unlawful purpose, namely, begging, and that the letter of introduction did not take her out of the category of beggars, not being addressed to anybody in particular. The court also held that there was no negligence on the part of the defendants, and that the plaintiff was herself negligent. Poor woman! she ought to have presented her letter to the dog. This case has excited considerable discussion in the English law journals. In the last number of the *Law Journal* a correspondent says: "Let me assure you that I have not 'taken up the cudgels on behalf of genteel beggars.' Persons of this description constitute, in my opinion, one of the minor pests of society."

The action of *Buckley* v. *Fitzgerald*, in Ireland, was brought to recover damages for injuries occasioned to the plaintiff's wife by a bull. Popham sold to Fitzgerald certain young bulls, which the vendor agreed to deliver at Bandon railway station, to be there taken charge of by the vendor. The animals were, as alleged, driven in a careless manner, without ring or rope, through the town of Bandon (in abandoned manner, as it were). Mrs. Buckley, the plaintiff's wife, stated that she was sitting at her kitchen fire, about half-past nine o'clock in the morning, with a child in her arms, when she noticed a large bull in the street. She went to close the door, but the bull rushed against her and knocked her down, and then ran into the kitchen. She called as loudly as she could for assistance, and while she was sitting on the floor she saw another bull trying to get in. Some men then came and drove the animal out, but the sight left her eyes, and she became insensible. She sustained a slight concussion of the spine beside the fright. The jury found negligence, but could not agree whether the animals were in charge of the defendant's servants. So their verdict was set aside. How woman-like it was to go and shut the door when she saw the bull in the street! What more unlikely than that a bull should try to enter a house! But it is the unexpected that always happens. Probably the bull would never have thought of going in if he had not seen himself thus snubbed. This we know is a trait of the national Bull —to try to get in at every open door and every door shut against him—as in India, Afghanistan and South Africa, but although there is a tradition about an æsthetic bull in a china shop, this is the first instance to our knowledge of a culinary bull in a kitchen.

Coombe v. *Moore* was heard at Westminster, May 9th, before Mr. Justice Bowen and a jury. The parties were neighbours, living about 200 yards apart. The defendant is an American, and on July 4th last he was desirous of celebrating the anniversary of the declaration of the independence of the United States of America, and had invited several friends to his house on the occasion, and part of the entertainment which he had prepared for his guests was a display of fireworks. July 4th was a Sunday; and when the Sunday had passed, between twelve and one o'clock on the morning of the 5th, some fire-works were let off in defendant's garden. The reports of the fire-works were described by witnesses as having a sound like an explosion; and evidence was given that twelve or fourteen rockets had been let off on the occasion in question. The plaintiffs were aroused by the first report, and Mr. Coombe went down stairs, followed by Mrs. Coombe. While he was in his garden, he saw four or five rockets, the sticks and cases of which fell into his garden. Mrs. Coombe was much alarmed, and an attack of hysteria supervened, which was followed by neuralgia. Under the doctor's advice she went by sea for a trip to Ireland, which improved, though it did not quite restore, her health. Now who can conceive a case so harrowing to the feelings of the British citizen? And yet, thanks to native magnanimity, the jury let off the defendant for one farthing damages! If the hysterical lady had gone to the window she would have discovered that the day of judgment was not at hand. But she probably wanted a jaunt, and so worked upon

her husband's feelings. A supplementary journey to Paris would undoubtedly have quite restored her health.

Moore v. *Whitehaven Hematite Iron and Steel Co.*, in the Whitehaven county court, was an action of damages for the killing of an employé in a colliery, by the fall of masses of ice adhering to the sides of the shaft. Here it seems the "reaper death" made use of an icicle.—*Albany Law Journal.*

OFFENCES INDUCED BY POLICE OFFICERS.

"When we wish to overreach scoundrels who are at open war with society, every stratagem is allowable by which to effect their conviction, except endeavouring to provoke the commission of crime." This was the maxim of the famous French police spy Vidocq, but, though he flattered himself on never having outstepped the limitation it imposed, readers of even his own memoirs cannot but consider that in some of the incidents of his marvellous career he allowed himself to venture beyond the strict line of police duty. Of the nature of that duty he had been well informed by M. Henry, chief of the division of security in the prefecture of police, whose impressive advice is worth reproducing. "Remember well," said that excellent magistrate, "that the greatest scourge of society is he who urges another on to the commission of evil. Where there are no instigators to bad practices, they are committed only by the really hardened; because they alone are capable of conceiving and executing them. Weak beings may be drawn away and excited: to precipitate them into the abyss, it frequently requires no more than to call to your aid their passions or self-love; but he who avails himself of their weakness to procure their destruction, is more than a monster—he is the guilty one, and it is on his head that the sword of justice should fall. And to those engaged in the police, they had better remain for ever idle, than create matter for employment. The police is instituted as much to correct and punish malefactors, as to prevent their committing crimes; but on every occasion I would wish it to be understood, that we hold ourselves under greater obligations to that person who prevents one crime, than to him who procures the punishment of many." In after years Vidocq himself found many tempters to crime among his own envious companions in the force; but, thanks to the advice and warning of M. Henry, he proved invulnerable.

Two recent cases, one of them English and the other American, will illustrate the legal effect of inducements to crime held out by police officers, and of their acting in concert with the criminals. In *Reg.* v. *Hancock and Baker* (38 L. T. N. S. 787), Hancock was indicted for stealing a cigar, the property of his master (Gabriel), and Baker was indicted for feloniously receiving it, knowing it to be stolen. Hancock pleaded guilty; and the facts appearing in evidence against Baker were as follows:—Gabriel, a cigar manufacturer, who had already missed some goods from his establishment, saw his shop boy appropriating a cigar, and thereupon sent for Reid, a detective. Reid searched Hancock, and having found a cigar in his pocket, and questioned him, marked it and returned it to him, in his master's presence, at the same time giving him five other cigars and instructions how to act. Hancock thereupon went, followed by Reid, to a place where Baker was at work, and gave the cigars to him. Hancock deposed that he had taken the first cigar because Baker had told him to get as many as he could, and promised to give him something for them. When Reid saw the cigars handed to Baker, he accosted him. Baker said, "I know you are a constable, and here they are," at the same time giving up the six cigars, one of them being the marked one; and Reid said, "You've incited this boy to rob his master, and received the cigars he has stolen." Beyond question, Reid himself had here incited Hancock to induce or enable Baker to commit the crime of receiving them; but the matter does not appear to have been the subject of any recorded judicial observation, nor are we prepared to say that in this instance the officer outstepped the line of propriety, but as illustrating how far the police may legitimately act in such matters, the case is worth noting in this aspect. Baker was convicted, and the question on which the case ultimately turned, on coming before the Court for Crown Cases Reserved, was as to whether or not the cigars were stolen property at the time they were received, the master and the policeman having acted in concert in supplying Hancock with them and

instructing him what to do with them. It was contended, on Baker's behalf, that there was no case to go to the jury, as the subject of the indictment had been taken out of the possession of the thief (Hancock) by the detective in the presence of the owner, and so restored to him, and had been then given back for a specified object to the thief, who was shown to be acting under his master's instructions by the fact of the other cigars being given to him also. "At the time the cigar was received by the prisoner, it had been reduced into the possession of the master, or, if you please, of the police, and Hancock was then employed as an instrument to detect Baker," said Cockburn, C. J.; and he held that the conviction should be quashed, as the case was undistinguishable in principle from *Reg.* v. *Dolan* (24 L.J.M.C. 59, Dears. C. C. 436, 6 Cox C. C. 449), where Lord Campbell evidently assumed that what was done by the police was done in concert with the master, as was also to be inferred in the present case. Huddleston, B., said, "The cigar was taken by the policeman, and the instructions what to do with it were given by the policeman, but then the master was present all the time." In *Reg.* v. *Dolan*, Cresswell, J., said: "If it were necessary to hold that the policeman by taking the stolen goods out of the pocket of Rogers restored the possession of them to the owner, I should dissent. The goods in the policeman's hands were in the custody of the law, and the master could not have brought trover for them; but when they were given back to Rogers, and the master desired him to go and sell them, the master, I think, may be said to have employed Rogers for that purpose." That learned judge treated the thief as the agent of the master, for the purpose of detecting the receiver. It appears to us that the court were quite right in this case in basing their decision, quashing the conviction, not on the ground that the goods had been reduced into the master's possession (see *Reg.* v. *Peich*, 38, L. T. N. S. 788), but on the ground of the master and employer having acted in concert in reference to the matter in issue.

In *People* v. *Collins* (18 *Albany Law Journal*, 271), it was a sheriff and not a policeman who was implicated in inducing to the crime, but he was acting in the capacity of a police officer, and in principle the case is directly in point on the subject in hand. In that case there was an appeal from a judgment of conviction upon an indictment for burglary, and the facts were as follows:—There was evidence tending strongly to show that the defendant requested Parnell to enter a certain building in the night time, and to steal therefrom a sum of money which he knew to be concealed there; and that the money, when stolen, should be divided between them. The evidence also tended to prove, that instead of accepting and acting upon this proposal, Parnell immediately informed the sheriff of it, who, after consultation with the district attorney, advised Parnell to pretend to the defendant that he accepted the proposition and would carry out the enterprise. It was, thereupon, agreed between Parnell and the sheriff that when the money was taken it should be marked with acid so that it could be identified; and that when the money was delivered to the defendant a signal should be given by Parnell to enable the sheriff to arrest the defendant with the money in his possession. The evidence tended to prove that this programme, as agreed upon by Parnell and the sheriff, was carried into effect; that Parnell entered the building, secured the money, marked it with acid, delivered part of it to defendant, gave the signal as agreed upon, and the sheriff thereupon arrested the defendant with the money in his possession. On this state of the evidence the court instructed the jury that, if it was agreed between Parnell and the defendant that the former should enter the building and steal the money, to be divided between them, and if, in pursuance of the agreement, Parnell did enter the building and take the money and divide it with the defendant he was guilty of burglary, and the jury should so find "without regard as to the part taken in the offence by the witness Parnell, or as to the motives or intentions of said Parnell." This instruction was held to have been erroneous by the Supreme Court of California, saying:—"If Parnell entered the building and took the money with no intention to steal it, but only in pursuance of a previously-arranged plan between him and the sheriff, intended solely to entrap the defendant into the apparent commission of a crime, it is clear that no burglary was committed, there being no felonious intent in entering the building, or taking the money. If the act of Parnell amounted to burglary, the sheriff who counselled and advised it was privy to the offence, but no one would seriously contend, on the foregoing facts, that the sheriff was guilty of burglary. The evi-

dence for the prosecution showed that no burglary was committed by Parnell, for the want of a felonious intent, and the defendant could not have been privy to a burglary, unless one was committed."—*Irish Law Times.*

NOTES OF CASES.

PUBLISHED IN ADVANCE BY ORDER OF THE LAW SOCIETY.

COMMON LAW CHAMBERS.

IN RE OSLER AND THE TORONTO GREY AND BRUCE RAILWAY COMPANY.

Wilson C. J.] [July 3.

O. being the holder of fourteen bonds of the Railway Company, issued on 1st of May, 1876, payable on 1st January, 1881, with interest meanwhile half yearly at 6 per cent. per annum, requested the Secretary of the Company to register the bonds under 38 Vict., ch. 56. This the Secretary refused to do, unless the intermediate transfers were produced and registered at the same time.

Held, that the Secretary was bound to register the bonds without the production or registration of the transfers, and the summons for a mandamus was made absolute with costs to be paid by the company.

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

S. H. Blake, Q.C., showed cause.

CHANCERY.

Ferguson, V. C.] [July 23.

LANCEY v. JOHNSON.

Lessor and lessee—Right to bore for oil—Injunction.

The plaintiff, in consideration of $45.00 paid by defendant, executed in his favour a lease of a small plot of land in the township of Enniskillen, at a yearly rent of one cent if demanded, with the right on the part of the defendant to remove all buildings at any time during the lease. The lease contained no covenant on the part of the lessee other than those to pay rent and to pay taxes, and it was silent as to any right on the part of the lessee to dig for oil.

Held, that *prima facie*, the lessee had not the right to bore for oil, and having done so and commenced operations in pumping crude oil, an injunction was granted to restrain the further removal of oil from the premises until the hearing of the cause.

Rae and *Moncrieff*, for plaintiff.

Street, for defendant.

Ferguson, V. C.] [July 23.

YOUNG V. HUBER.

Injunction—Infant's rights as a co-partner—Practice—Parties.

In a suit by an infant partner against his co-partner, praying a dissolution of the partnership, the appointment of a receiver, &c., a decree *pro confesso* was pronounced, and while the taking of the accounts, pursuant to an agreement for a continuance of the partnership, was being proceeded with, certain creditors of the firm obtained judgments and executions at law against the adult partner, the infant having been kept in ignorance of the proceedings at law, until the Sheriff had seized and was about to sell the whole of the property of the alleged partnership.

Held, on a motion to restrain proceedings on such executions, that the proceedings at law were not within the provisions of R. S. O., ch. 123, sec. 8, and that the sale should be restrained.

Held, also, that the execution creditors might be added as parties, in order to be bound by the injunction, on motion simply.

Moss and *King*, for the plaintiff.

Muir, contra.

NOTES OF RECENT DECISIONS.

Malicious prosecution—Reasonable and probable cause.

A trading firm, by making false statements to a mercantile agency as to their capital, obtained a high and incorrect rating, on the strength of which they got credit for goods, which they handed over to a relative in payment of an antecedent debt, and, within a month after, a writ in insolvency issued against them. The vendor of the goods on discovering the facts, and being so advised by counsel, prosecuted the firm on the charge of obtaining goods by false pretences.

Held (*per* Torrance, J.) that there was reasonable and probable cause for the prosecution, and an action of damages would not lie. BOWES v. RAMSAY; 4 Leg. News 227.—Quebec.

Contract—Interpretation—Insolvency.

Where a lease, made during the existence of the Insolvent Acts, was to be terminated by the insolvency of, or the making of an assignment by, the tenant, *held* (*per* Torrance, J.) that the making of a voluntary assignment by the tenant after the repeal of the Insolvent Acts, did not terminate the lease.—BUDLEY ET AL. v. BOND, *Ib.*—Quebec.

Corporation—Illegal arrest.

An arrest under the Vagrant Act (32-33 Vict. [Can.] c. 28), for indecent exposure, cannot be made without warrant after an interval of time following the offence, and where such unauthorized arrest was made, the city was held liable (*per* Torrance, J.) in damages for the act of its policeman.—WALKER v. THE CITY OF MONTREAL, *Ib.* 215—Quebec.

Conditional sale—Sale of horse on trial—Death of horse before trial.

The plaintiff sold a horse to the defendant upon a condition that the horse should be tried by the defendant for eight days, and returned by him at the end of that time if he did not think it suitable for his purposes. The horse died within such eight days without fault of either party. *Held* (by Denman, J.), that there was no absolute sale at the time of the horse's death, and therefore that the plaintiff could not recover the price. ELPHICK v. BARNES, 49 L. J. Rep. Q. B. 698.

Issue of writ same day as cause of action—Fiction of priority.

The statement of claim alleged that on July 2, and before the issuing of the writ, the defendant sat and voted as a member of the House of Commons without having made and subscribed the required oath, and that the plaintiff sued for the penalty of 500*l.* Demurrer on the ground that the statement of claim was bad in law, as it alleged that the defendant sat and voted on the day on which the writ was issued.

The defendant, in person, contended that the issue of the writ was a judicial act; and that the writ must, therefore, be taken to have been issued before the commission of the alleged offence, in accordance with the fiction of law that a judicial act dates from the earliest period of the day on which it is done.

On the other side it was contended that the issue of the writ was not a judicial act.

The Court (Denman, J., and Williams, J.) held that the fiction of law could not override the positive averment that the sitting and voting took place before the issue of the writ.—CLARKE v. BRADLAUGH, 1. Q. B. Div. June 21.

Negligence—Injury to person stopping upon street from fall of defective wall.

A person lawfully passing along a street, who stops on the door-sill of a house fronting on the street, for the purpose of adjusting his shoe, and while thus occupied, his head being within the lines of the street, without any negligence on his part, is injured by a brick falling on his head, in consequence of the dilapidated condition of the wall of the house, has a right of action against the owner of the house for the injury inflicted. *Deford* v. *State*

30 Md. 205; *Irwin* v. *Sprigg*, 6 Gill, 200; *Copeland* v. *Hardengham*, 3 Campb. 348; *Maenner* v. *Carroll*, 46 Md. 212; *Butterfield* v. *Forrester*, 11 East, 60; *Bridge* v. *G. J. R. Co.*, 3 M. & W. 244; Angell on Highw. 347. Travellers on a street have not only the right to pass, but to stop and rest on necessary and reasonable occasions, so that they do not obstruct the street, or doorways, or wantonly injure them. Douglas, 745; 3 Steph. N. P. 2768; 2 Bl. Com., note 26, by Christ.; *Adams* v. *Rivers*, 11 Barb. 390. A ruined or dilapidated wall is as much a nuisance, if it imperils the safety of passengers or travellers on a public highway, as a ditch or a pit-fall dug by its side.—MURRAY v. MCSANNE, Maryland Court of Appeals.

Insurable interest—Mechanic's lien upon an equity of redemption.

1. Where a contractor for a building is entitled to a lien, which lien is subject, however, to a prior mortgage, such interest in the equity of redemption is an insurable interest.

2. If, during the continuance of a policy upon such an interest, but before the steps for perfecting the lien have been completed, the property is destroyed by fire, the policy holder is not under any obligations to perfect and enforce his lien for the benefit of the insurer, unless the insurer comes forward, pays the insurance, gives notice of a desire to be subrogated to his rights, and make a tender of indemnity against expenses.—ROYAL INSURANCE CO. v. STINSON, Supreme Court, U. S.

Fraud—Limitations—Notice.

1. The entry of satisfaction upon the record by a judgment-creditor, after he has assigned his interest in the judgment, is actual fraud.

2. The statute of limitations does not begin to run against a cause of action, growing out of fraud, until the fraud is discovered.

3. No party injured by a fraudulent entry upon a public record will be affected by constructive notice. In cases of contract and in actions *ex delicto quasi ex contractu*, the statute of limitations begins to run from the breach of contract or duty, and not from the time when the damage accrues —MITCHELL v. BUFFINGTON, Supreme Court, Penn., U. S.

Patent right—Execution—Creditor's bill.

The interest of a party in letters patent for an invention may be sold upon execution, and its assignment in writing, as required by the laws of the United States, enforced under the State law. Proceedings supplementary to execution are intended as a substitute for a creditor's bill, as formerly used in chancery.—PACIFIC BANK v. ROBINSON, Supreme Court, Cal., U. S.

LAW STUDENTS' DEPARTMENT.

EXAMINATION QUESTIONS AND ANSWERS.

We give below a further instalment of questions and answers from the English *Bar Examination Journal*, a sample of which we gave in our last issue :

Q.—4. If one of co-partners seised of freehold land used for partnership purposes dies intestate, who becomes entitled to his share of the real estate not required for payment of his debts?

A.—The effect of the contract of partnership is to impress all the assets of the partnership with a trust for sale and division amongst the members of the firm. Hence all real estate comprised in the assets of a partnership is considered as converted into personal estate. It follows, therefore, that on the death of one partner, intestate, his share of the assets, whether realty or personalty, is payable to his administrator, who will hold the same on the same trusts as any other personal estate (Lindley on Partnership, 3rd Ed. 692; 1 W. & T. L. C. Eq. *Lake* v. *Craddock*).

Q.—5. Under what circumstances is the occupier of a house liable to a person whom he permits or invites to enter the premises, for injury sustained by reason of their dangerous condition?

A.—If the dangerous condition of the premises was apparent to the party injured when he entered, the occupier will not be liable.

If the danger was not apparent, the occupier will not be liable if he was himself unaware of the unsafe state of the premises, except, perhaps, where their dangerous condition was due to his own negligence, in which case he would be liable if the party injured paid money for admission to the house, or came there on lawful business, though (perhaps) not if he entered merely as a guest without payment. If the occupier was aware of the danger, he will in general be liable if he neglected to give proper warning thereof to the party injured when the latter entered. (See Underhill on Torts, 2nd ed. 132—134, and cases cited; *Lax* v. *Corporation of Darlington*, 5. Ex. D. 28; Indermaur C. L. 2nd ed. 336, 337.)

Q.—6. What is meant by absolute as distinguished from qualified privilege in the publication of defamatory words, and in what cases has it been held to exist?

A.—The privilege is said to be absolute in those cases where the statement is privileged, even though malicious and made without reasonable or probable cause. It is qualified in those cases where the statement is privileged only if made without actual malice.

The privilege is absolute as regards statements made by a suitor, prosecutor, witness, counsel, or juror, in the course of judicial proceedings, whether civil or criminal; or by a judge, magistrate, or other person presiding in a judicial capacity in any court or other tribunal legally constituted, or by a member of either house of Parliament in the course of parliamentary proceedings. (See Underhill on Torts, 2nd ed. 94—98; Indermaur C. L. 2nd ed. 316, 317.)

Q.—7. What are the principal offences connected with threats and menaces, and how are they respectively punishable?

A.—Sending a letter or writing threatening to murder, or to burn or destroy property, is felony punishable with penal servitude to the extent of ten years.

Sending a letter or writing demanding with menaces, and without reasonable cause, money or other property, is felony punishable with penal servitude to the extent of life. A similar demand made otherwise than in writing, and with intent to steal, is felony punishable with penal servitude to the extent of five years.

Sending a letter containing threats, or otherwise threatening, to accuse a person of a crime punishable with death or penal servitude for not less than seven years, or of a rape or attempt to commit a rape, or of an unnatural offence, is felony punishable with penal servitude to the extent of life.

Compelling a person by violence or threat to execute a deed, &c., is felony, punishable with penal servitude to the extent of life.

Threatening to publish, or proposing to abstain or prevent from publishing a libel, in order to extort money, is a misdemeanor punishable by imprisonment not exceeding three years (Harris & Tomlinson Cr. L. 2nd ed. 106, 114).

Q.—8. Define and give an example of each of the following:—

An executory trust.
A resulting trust.
A precatory trust.
A constructive trust.
A voluntary trust.

A.—(1.) When a deed, will, or other instrument directs any property to be settled in a manner, which is indicated but not set out verbatim, such direction constitutes an executory trust.

Example.—A testator directs his executors to lay out £50,000 in the purchase of land, and to cause such land to be settled on the testator's eldest son and his issue in strict settlement, in the usual manner, with all the usual clauses.

(2.) When a settlor vests property in trustees and declares trusts of it, which do not exhaust the whole interest therein, and the events so happen that these trusts fail, then the property is held on trust for the settlor or his representatives, and this last trust is called a resulting trust.

Example.—A. vests funds in the names of trustees and directs them to pay the income thereof to B. for life, and divide the capital after B.'s death equally among all B.'s children who attain twenty one. B. dies and all his children die under twenty-one. The property is held on trust for A. or his representatives.

(3.) When a testator makes a devise or bequest, and adds precatory words expressing a wish that the devisee or legatee should confer a

benefit on some other person or persons; then if there is certainty of the subject matter referred to in these precatory words, certainty of the objects of the testator's wishes, and certainty of the interests they are to take, a trust is created in their favour, and this trust is called a precatory trust.

Example.—A testator bequeaths certain property to his wife, heartily beseeching her at her death to divide it equally amongst their children. This gives rise to a trust for the children after the wife's death.

(4.) When a trustee seeks to appropriate for his own use any money or property which ought to be added to the trust property, he will be held a constructive trustee of it for the beneficiaries.

Also a person buying trust property with notice that the sale to him is a breach of trust, may be declared a constructive trustee of the property.

Example.—A trustee of leaseholds, which are expiring, procures a new lease of them to be granted to himself. He will be held to be a constructive trustee of such new lease.

(5.) A trust created by a settlor without any valuable consideration being in any way given for it, is a voluntary trust.

Example.—A legacy of £1,000 bequeathed to a married woman, is paid to her husband by her direction. He then, of his own accord, executes a settlement of it on his wife and children. This is a voluntary trust. (Snell, Pt. 2, cc. 1—5.)

Q.—9. Can a trustee of an estate ever, and, if so, under what circumstances, and how, acquire a good title as purchaser of it?

Draw any distinctions which may be material with reference (*a*) to the nature of the trust; or (*b*) to the position of the beneficiaries.

Explain the position of a trustee who has bought the trust estate without acquiring a good title.

A.—(1.) If the beneficiaries are all in existence, and *sui juris*, and they consent to the sale, and the trustee gives them all possible information, and pays a fair price for the property.

(2.) If the trustee is willing to give a better price than anybody else, the Court may authorise him to purchase the property, although the beneficiaries are not all *sui juris*.

The rule is that a trustee cannot buy on a sale by himself. He may buy on a sale by the beneficiaries; or on a sale by the Court in the manner above mentioned. Moreover, if he is only a trustee for some collateral purpose, and not trustee for sale, the rule does not apply (Lewin, c. 18, s. 3).

A trustee, who has bought the estate without acquiring a good title may be called upon to reconvey the estate and account for the rents and profits of it, on payment of his purchase-money with interest at 4 per cent., and any monies laid out by him upon the property.

REVIEWS.

A COLLECTION OF LATIN MAXIMS, literally translated, intended for the use of students for all legal examinations. London: Stevens & Haynes, 1881.

Maxims have been since the world began, and doubtless will last as long. They are cores round which cluster appropriate knowledge and kindred thoughts. They are liable to abuse, of course, and often used to hide ignorance under a semblance of wisdom, and when quoted in their Latin form, are sometimes used as "a means for those who know very little Latin to show that they know some." The collection before us is not pretentious and disarms criticism by its simplicity and general correctness. Students would do well, early in their studies, to commit these maxims to memory, and subsequent reading will often be systematized and more easily remembered.

CORRESPONDENCE.

Uncertified Legal Practitioners.

To the Editor of the CANADA LAW JOURNAL.—

SIR,—As one of the profession, who suffers most severely through the competition of uncertified legal practitioners, I anxiously scanned

the report in your columns of the proceedings of the last convocation of Benchers to see what measure of relief would be propounded by the committee appointed for that purpose. Of course I was disappointed. But I had the satisfaction of seeing that two of the newly elected Benchers, who claimed our support on the promise of their active efforts in the matter, were added to the committee. This leads us to hope that we shall before the end of another session of parliament be placed upon as good a footing, at least, as the inferior professions.

It may not be out of place to repeat some suggestions that I have already made with regard to the method of relief. A measure of the following kind could, it seems to me, be passed without difficulty, and would afford reasonable protection at the same time to the public at large, to the profession, and to the qualified among the, at present, uncertified conveyancers—viz: a measure giving to the Law Society power to prescribe examinations for all persons other than duly certified attorneys, upon legal subjects, and grant certificates of fitness; to impose examination fees, and annual fees to be afterwards paid by all such persons; and imposing penalties upon all persons acting as conveyancers, or collecting agents, or practising in the surrogate or Division Courts without such certificates.

This, in short, seems to me the plan that is the most reasonable, and least likely to be rejected by that portion of the Legislature which is so jealous of lawyers and their privileges.

Hoping that our newly elected Benchers will fulfil their fair promises, and aid in devising a suitable remedy for the evils we complain of,

I remain yours &c.

J. W. S.

August 11, 1881.

To the Editor of the CANADA LAW JOURNAL.—

SIR,—"Hawkins on Wills" is out of print. Will candidates who present themselves for certificates of fitness before Hilary term of 1882, and who cannot procure this work, be examined on it? A reply through your Journal will much oblige,

Yours, &c.

STUDENT.

[This book must be read so long as it is on the curriculum. Though the English edition may be out of print, there is an American edition which would answer the purpose.—EDS. L. J.]

FLOTSAM AND JETSAM.

EX-JUDGE TYLER, of California, the other day, finding himself opposed by a woman lawyer, Mrs. Clara S. Foltz, lost his temper, and told her that "a woman's proper place was at home, raising children." The lady answered him promptly: "A woman had better be engaged in almost any business than raising such men as you are, sir,"—*Ex.*

THE will, dated July 26, 1880, of the Hon. Arthur Annesley, formerly a captain of the Grenadier Guards, late of 11 Curzon Street, Mayfair, who died on April 26 last, at Cannes, was proved, on the 28th ult., by the Hon. Mrs. Clara Annesley, the widow and sole executrix, the personal estate being sworn under £2,000. The testator simply says: "All that I possess in the world I leave to my wife." The deceased was the fourth son of William Richard, third Earl Annesley, and brother of the present peer. —*Law Journal.*

IN giving judgment (differing from Fitzgerald, B.,) in *Dalton* v. *The Corporation of Clonmel*, on the 2nd inst., Dowse, B., is reported to have observed: "This view he took with great diffidence, as his brother Fitzgerald did not agree with him. But if there were to be two judges there was no use in having one a mere echo of the other. He was there to give his opinion, and that was what he was paid for. The longer he lived the more disinclined he was to set aside the verdict of jurors, if it was only because of the fact that the longer he lived the lazier he got. In his young days as a judge he was fond of assuming the position of juror, but now he liked to have a jury to lean upon, and notwithstanding all that had been said there could be no better tribunal than a jury to try a question of fact. They were infinitely better than any judge."—*Irish Law Times.*

Law Society of Upper Canada.

OSGOODE HALL.

EASTER TERM, 44TH VICT.

During this Term the following gentlemen were called to the degree of Barrister-at-Law:—

George Bell, with honors; John O'Meara, Charles Henry Connor, George Macdonald, John Birnie, jr., Charles Egerton Macdonald, Howard Jennings Duncan, Stewart Campbell Johnstone, Lendrum McMeans, William Boston Towers, Francis Edward Galbraith, Charles Wright, John Kelley Dowsly, Chas. Herbert Allen, Charles Elwin Seymour Radcliffe, James Leland Darling, John Clark Eccles, George William Baker, Hedley Vicars Knight, George Ritchie.

(The names are placed in the order of merit).

And the following gentlemen were admitted into the Society as Students-at-Law, namely:—

GR DUATS.

Adam Carruthers, B.A., James Alexander Hutchinson, B.A., George Frederick Lawson.

MATRICULANTS OF UNIVERSITIS.

John L. Peters, Morris Johnson Fletcher, Francis Cockburn Powell, Toronto University.

JUNIOR CLASS.

Herbert Gordon Macbeth, Alson Alexander Fisher, William Edward Sheridan Knowles, Thomas Hobson, obert Alexander Dickson, Peter D. Cunningham, Alexander McLean, William Thomas McMullen Miron Ardon Everetts, William John McWhinney Richard Armstrong, Alexander Duncan McLaren Edward Corrigan Emery, John Craine, Joseph McKenzie Rogers, W. Arthur Ernest Kennedy, Geo., Herbert Stephenson, Arthur W. Wilkin, Walter George Fisher.

And the examination of William Lesslie Beale was ed wedallohim as canArtil Clerk.

RULES

As to Books and Subjects for Examination.

PRIMARY EXAMINATIONS FOR STUDENTS AND ARTICLED CLERKS.

A Graduate in the Faculty of Arts in any University in Her Majesty's Dominions, empowered to grant such Degrees, shall be entitled to admission upon giving six weeks' notice in accordance with the existing rules, and paying the prescribed fees, and presenting to Convocation his diploma or a proper certificate of his having received his degree.

All other candidates for admission as articled clerks or students-at-law shall give six weeks notice, pay the prescribed fees, and pass a satisfactory examination in the following subjects:—

Articled Clerks.

1881. Ovid, Fasti, B. I., vv. 1-300; or, Virgil, Æneid, B. II., vv. 1-317.
Arithmetic.
Euclid, Bb. I., II., and III.
English Grammar and Composition.
English History—Queen Anne to George III.
Modern Geography—N. America and Europe.
Elements of Book-keeping.

In 1882, 1883, 1884 and 1885, Articled Clerks will be examined in the portions of Ovid or Virgil, at their option, which are appointed for Students-at-Law in the same years.

Students-at-Law.

CLASSICS.

1881. Xenophon, nabasis, B. V.
Homer, Iliad, B. IV.
Cicero in Catilinam, II., III., IV.
Ovid, Fasti, B. I., vv. 1-300.
Virgil, Æneid, B. I., vv. 1-304.

1882. Xenophon, Anabasis, B. I.
Homer, Iliad, B. VI.
Cæsar, Bellum Britannicum, (B. G. B. IV. c. 0-36, B. V., c. 8-23.)
Cicero, Pro Archia.
Virgil, Æneid, B. II., vv. 1-317.
Ovid, Heroides, Epistles V. XIII.

1883. Xenophon, Anabasis, B. II.
Homer, Iliad, B. VI.
Cæsar, Bellum Britannicum.
Cicero, Pro Archia.
Virgil, Æneid, B. V., vv. 1-361.
Ovid, Heroides, Epistles V. XIII.

1884. Cicero, Cato Major.
Virgil, Æneid, B. V., vv. 1-361
Ovid, Fasti, B. I., vv. 1-300.
Xenophon, Anabasis, B. II.
Homer, Iliad, B. IV.

1885. Xenophon, Anabasis, B. V.
Homer, Iliad, B. IV.
Cicero, Cato Major.
Virgil, Æneid, B. I., vv. 1-304.
Ovid, Fasti, B. I., vv. 1-300.

Paper on Latin Grammar, on which special stress will be laid.

Translation from English into Latin Prose.

MATHEMATICS.

Arithmetic; Algebra, to end of Quadratic Equations; Euclid Bb. I., II., III.

ENGLISH.

A Paper on English Grammar.
Composition.
Critical Analysis of a selected Poem :—
1881.—Lady of the Lake, with special reference to Cantos V. and VI.
1882.—The Deserted Village.
The Task, B. III.
1883.—Marmion, with special reference to Cantos V. and VI.
1884.—Elegy in a Country Churchyard.
The Traveller.
1885.—Lady of the Lake, with special reference to Canto V.
The Task, B. V.

HISTORY AND GEOGRAPHY.

English History from William III. to George III., inclusive. Roman History, from the commencement of the Second Punic War to the death of Augustus. Greek History, from the Persian to the Peloponnesian Wars, both inclusive. Ancient Geography—Greece, Italy, and Asia Minor. Modern Geography—North America and Europe.

Optional subjects instead of Greek :—

FRENCH.

A paper on Grammar.
Translation from English into French Prose :—
1881.—Emile de Bonnechose, Lazare Hoche.

OR, NATURAL PHILOSOPHY.

Books.—Arnott's Elements of Physics, 7th edition, and Somerville's Physical Geography.

A student of any University in this Province who shall present a certificate of having passed, within four years of his application, an examination in the subjects above prescribed, shall be entitled to admission as a student-at-law or articled clerk (as the case may be), upon giving the prescribed notice and paying the prescribed fee.

INTERMEDIATE EXAMINATIONS.

The Subjects and Books for the First Intermediate Examination, to be passed in the third year before the final Examination, shall be:—Real Property, Williams; Equity, Smith's Manual; Common Law, Smith's Manual; Act respecting the Court of Chancery; O'Sullivan's Manual of Government in Canada; the Dominion and Ontario Statutes relating to Bills of Exchange and Promissory Notes, and Cap. 117, R. S. O., and amending Acts.

The Subjects and Books for the Second Intermediate Examination to be passed in the second year before the Final Examination, shall be as follows:—Real Property, Leith's Blackstone, Greenwood on the Practice of Conveyancing, (chapters on Agreements, Sales, Purchases, Leases, Mortgages, and Wills); Equity, Snell's Treatise; Common Law, Broom's Common Law; Underhill on Torts; Caps. 49, 95, 107, 108, and 136 of the R. S. O.

FINAL EXAMINATIONS.

FOR CALL.

Blackstone, Vol. I., containing the Introduction and the Rights of Persons, Smith on Contracts, Walkem on Wills, Taylor's Equity Jurisprudence, Harris's Principles of Criminal Law, and Books III. and IV. of Broom's Common Law, Dart on Vendors and Purchasers, Best on Evidence, Byles on Bills, the Statute Law, the Pleadings and Practice of the Courts.

FOR CERTIFICATE OF FITNESS.

Leith's Blackstone, Taylor on Titles, Smith's Mercantile Law, Taylor's Equity Jurisprudence, Smith on Contracts, the Statute Law, the Pleadings and Practice of the Courts.

Candidates for the Final Examinations are subject to re-examination on the subjects of the Intermediate Examinations. All other requisites for obtaining Certificates of Fitness and for Call are continued.

The Primary Examinations for Students-at-Law and Articled Clerks will begin on the Second Tuesday before Hilary, Easter, Trinity, and Michaelmas Terms.

The Second Intermediate Examination, on the 3rd Tuesday, except in Trinity Term.

The First Intermediate, on the 3rd Thursday, except in Trinity Term.

The Attorneys' Examination, on the Wednesday, and the Barristers' Examinations, on the Thursday before each of the said Terms.

FEES.

Notice Fees	$1 00
Student's Admission Fee	50 00
Articled Clerk's Fee	40 00
Attorney's Examination Fee	60 00
Barrister's " "	100 00
Intermediate Fees, each,	1 00
Fee in Special Cases additional to the above	200 00

The following changes in the Curriculum will take effect at the examination before Hilary Term, 1882:—

FIRST INTERMEDIATE.

Williams on Real Property; Smith's Manual of Common Law; Smith's Manual of Equity; the Act respecting the Court of Chancery; Anson on Contracts; the Canadian Statutes relating to Bills of Exchange and Promissory Notes, and Cap. 117 R.S.O. and Amending Acts.

SECOND INTERMEDIATE.

Leith's Blackstone (2nd edition); Greenwood on the Practice of Conveyancing (chapters on Agreements, Sales, Purchases, Leases, Mortgages and Wills); Snell's Equity; Broom's Common Law; Williams on Personal Property; O'Sullivan's Manual of Government in Canada; the Ontario Judicature Act; Caps. 95, 107 and 130 of the Revised Statutes of Ontario.

FOR CERTIFICATE OF FITNESS.

Taylor on Titles; Hawkins on Wills; Taylor's Equity Jurisprudence; Smith's Mercantile Law; Benjamin on Sales; Smith on Contracts; the Statute Law and the Pleadings and Practice of the Courts.

FOR CALL.

Blackstone, Vol. I., containing the Introduction and the Rights of Persons; Pollock on Contracts; Story's Equity Jurisprudence; Theobald on Wills; Harris's Principles of Criminal Law, and Books III. and IV. of Broom's Common Law; Dart on Vendors and Purchasers; Best on Evidence; Byles on Bills; the Statute Law and the Pleadings and Practice of the Courts.