DIARY FOR MARCH.

1. Wed..Ash Wednesday. Last day for delivering appeal books in Court of Error and Appeal.
5. SUN..*1st Sunday in Lent.*
6. Mon...Name of York changed to Toronto, 1834.
12. SUN..*2nd Sunday in Lent.*
13. Mon...Gen. Sess. and County Court for York. Last day for J. P.'s to make returns of convictions to Clerk of the Peace.
15. Wed..Court of Appeal sits.
17. Frid...St. Patrick's Day.
19. SUN..*3rd Sunday in Lent.*
23. Thur..Sir George Arthur, Lieut.-Governor, 1838.
26. SUN..*4th Sunday in Lent.*
30. Thur..Lord Metcalfe, Governor-General, 1843.

CONTENTS.

THE

Canada Law Journal.

Toronto, March, 1876. Part 1.

Owing to a pressure of matter of interest to our readers we publish this as an extra number. It will occasionally be desirable to do this, and though it entails extra expense, we trust it will prove to be time and money well expended.

We call attention to the advertisement of the Law Society, to be found in another place, as to the election of Benchers. We shall refer to that matter in our next issue, as well as to the several other matters of present great interest to the profession.

At the suggestion, we understand, of Lord Dufferin, the Judges of the Supreme Court have been robed in the scarlet and ermine of Westminster Hall. The dress is in itself an imposing one, and it is not inappropriate that they should, even in this matter, follow the example of the English Bench.

Osgoode Hall is indulging in the unusual spectacle of one Common Law Court sitting in *banc*, after the other has risen. This difference in the length of their *sederunt* is owing to a provision in a recent Statute, which adds a week to the sitting of the Queen's Bench, whilst the Common Pleas sits for two weeks only, as formerly. This "one-legged" arrangement was rendered necessary by the arrears in the former Court, which it was hoped would thus in a great measure be worked off. Some statistics in another place show that their is always more business in the Bench than in the Pleas.

We hear sometimes about "invaders of the profession;" but the inventor of the following atrocious document invades,

not only the rights and privileges of the profession, but the duties of Clerk and Sheriff as well. If his nerve be equal to his brutality and impudence, we should recommend him to the latter official as a desirable *Calcraft*. The document is headed by the Royal Arms, and then proceeds as follows :—

Victoria, Queen of Great Britain and Ireland, Defender of the Faith, &c.

PROVINCE OF ONTARIO,
COUNTY OF YORK
TO WIT :

Toronto, 1876

Mr.

having placed your account in my hands for collection, amounting to $ with instructions to proceed against you if the same is not paid at once, I beg to inform you that unless the same be paid forthwith, I will be compelled to apply for a judgment summons to enable the Bailiff to take your goods or arrest you.

Yours respectfully,

JOS. McGAFFIKIN, G.C.A.,
P. O. Box 2566.

Highway robbers are occasionally pretty roughly handled, and when they are, the law as well as the public says: "Served them right." Though the law *may* not reach this individual, we doubt if it would very severely punish any indignant debtor who might think proper to treat this G. C. A. (whatever that may be intended to mean), as one would treat a pick-pocket caught *flagrante delicto*. We say the law *may* not reach him, but it is not quite clear that he has not committed a felony under sec. 181 of the Division Courts' Act: (see O'Brien's D.C. Acts, p. 91, and notes, and *Reg.* v. *Evans*, 3 U. C. L. J. 119).

If this person has not brought himself within the law, he has adopted an ingenious mode of evading it by a hairs' breadth. In the meantime, we should recommend him to try some other business for a living.

BUSINESS IN THE COURTS.

It is said that anything may be proved by figures, and it is also said that figures cannot lie. The first saying is very applicable, when it is sought to establish pet theories by incomplete and inexact statistics; but, where they are complete and exact, it is difficult to refuse credence to the tale they tell.

It was the generally received impression that the Administration of Justice Act would tend, and had in fact tended, to decrease the business in the Court of Chancery, owing to the large equitable powers given to the Common Law Courts. We have been at some pains to ascertain whether there has been, so far, any such result in fact; and we must confess to some surprise at finding that, instead of a decrease, there has been a very large increase to the business of that Court during the past year.

The following statements, taken from a return recently made to the House of Assembly, make this clear :—

A Return showing the number of Bills filed in, Decrees and Orders issued by the Court of Chancery since 1870, and the number of cases heard or otherwise disposed of at the sittings in Toronto and the number of cases re-heard during the same period.

Year.	Bills.	Decrees.	Reports.	Orders.	Costs Rev'd.	Re-hearings.	Toronto.	
							Causes Ex. & Il.	General Paper.
1869	1335	762	440	....	574	28	53	334
1870	1444	713	464	2923	518	19	39	344
1871	1364	613	487	3172	417	21	43	375
1872	1608	671	490	3336	547	23	39	370
1873	1728	782	648	3440	575	24	78	464
1874	1647	777	732	3395	616	41	75	436
1875	2071	942	780	*3200	714	97	*73	523

* This is an estimate only, but probably correct. The number of Orders is diminished by the effect of the General Orders of February, 1875.

† As there is no return as yet from the Deputy Registrars of lists of causes set down for Examination and Hearing in their several Counties: this return does not contain that information.

Business in the Courts.

Report from Accountant's Office, Court of Chancery, January, 1876.

Paid into Court in various suits and matters, from 15th Dec.,	1868	to 15th Dec.,	1869	$455.920 20
do	1869	do	1870	488,075 65
do	1870	do	1871	564,513 12
do	1871	do	1872	683,479 64
do	1872	do	1873	644,645 02
do	1873	do	1874	569,239 26
do	1874	do	1875	710.369 34
				$4,218,615 74

Paid out of Court in various suits and matters, from 15th Dec.,	1868	to 15th Dec.,	1869	$325,848 97
do	1869	do	1870	472,110 32
do	1870	do	1871	546,271 06
do	1871	do	1872	677,742 17
do	1872	do	1873	652,398 10
do	1873	do	1874	623,034 86
do	1874	do	1875	678,942 81
				$4,078,721 80

It will thus be seen that there were 424 more bills filed in 1875 than in 1874, and 736 more than in 1869, six years ago. This only shows inferentially an increase of contested cases, the returns being incomplete from the outer offices as to causes set down for examination and hearing; but the increase of contested cases may be taken for granted from the greater number of bills filed. A close investigation shows that although there are not nearly as many motions for injunctions to stay actions at law as formerly, yet many of the cases which arose out of that jurisdiction of the Court, are now taken to Chancery in the first instance. It must also be borne in mind, that the Act for quieting titles, and the law relating to mechanics' liens, have largely increased the work of the court.

It is difficult to obtain anything like complete or satisfactory statistics of the business done at common law, as much would have to be gathered from the Deputy Clerks of the Crown in the different counties, and much work is done at Osgoode Hall which is not embodied in the returns which have been made. But it is evident, from the following statement of business in the County of York (we have been unable to get returns from the outer Counties), that there has been even a greater increase in the Courts of Queen's Bench and Common Pleas than there has been in Chancery :—

Year.	No. of Writs.	Appearances.
1870	734	400
1871	812	458
1872	891	469
1873	1040	625
1874	1049	566
1875	1427	790

The state of the contested business at Common Law is fairly shown in the following return as to Term work, from 1872 inclusive, though it does not by any means represent the actual work of the Courts; as only arguments strictly so called, and not a multitude of ordinary motions, are included in these figures :—

Year.	Term.	New Trial Arguments.		Other Arguments.	
		Q. B.	C. P.	Q. B.	C. P.
1872.	Hilary	25	20	15	10
	Easter	37	30	26	16
	Michaelmas	28	28	21	17
1873.	Hilary	19	21	17	11
	Easter	25	32	28	16
	Michaelmas	24	27	37	21
1874.	Hilary	18	20	21	11
	Easter	28	28	24	15
	Trinity	21	16	16	4
	Michaelmas	19	22	18	13
1875.	Hilary	20	23	18	11
	Easter	23	17	12	7
	Trinity	3	2	14	6
	Michaelmas	41	52	12	14

In addition to the above there were arguments before single judges in vacation to 31st December, 1875—in the Queen's Bench 107, and in the Common Pleas 47.

The above statement may be summarized, including arguments before a single judge, thus :—

New Trials & Arguments	1872	1873	1874	1875
Queen's Bench.....	152	150	195	220
Common Pleas.....	121	128	134	164
Totals.....	273	278	329	384

As to the relative increase of business between the Common Law Courts and the Court of Chancery, it is difficult to form any estimate which is not to a great extent imaginary; and it is almost impossible as yet to say, with any degree of certainty, what the effect of the Administration of

Justice Act has been in this respect. The figures show that there has been a large increase of business in 1875 in all the courts; but it would be premature to assert that the effect has been to throw more work into the Common Law Courts from the Court of Chancery. The cause of this greater increase in the Common Law Courts has probably nothing to do with recent legislation as to procedure in the Courts; but we may safely assume, from the figures and from general information, that it has been caused by their jurisdiction having been extended; whilst the other causes mentioned above have operated, not only to supply the deficiency thus arising in Chancery, but to add to the business there.

It may then be noticed that there were, in addition to the cases actually argued at the end of 1875, ninety-one rules ready for hearing in the Queen's Bench, and thirty-nine in the Common Pleas—an increase to the arrearages of previous years. These arrears have not of late years accumulated to anything like the same extent in the Court of Chancery, owing, doubtless to the fact that the bulk of the work is there disposed of by Judges sitting singly—a system which is likely to lead to the best results in facilitating business in the Common Law Courts.

None of these returns give any information as to the number of cases heard on circuit or at Assizes in the outer Counties; but, those relating to Toronto are probably representative of that class of business of the country.

THE MERCER WILL CASE.

We do not propose to say anything about the main features of this case, which have been sufficiently before the eyes of our readers through the medium of the lay press. But, as in the Tichborne case, many interesting and some novel questions are connected with the trial, directly or collaterally, and to them it may not be inadvisable to call attention.

(1.) It appeared in the evidence that young Mercer had given a bond for $30,000 to one of the witnesses, which was to be his reward in the event of success. This class of evidence is admissible for the obvious reason that it seriously affects the credibility of the witness; and also for the further reason, which was clearly brought out in *Moriarty* v. *London, Chatham & Dover Railway*, 18 W. R. 625, that all evidence is relevant which goes to prove the manner in which a party has procured his witnesses, as tending to prove an admission by his conduct that his case is bad.

(2.) It further appeared that one of the solicitors had taken a bond in the penal sum of $20,000 to secure payment of his costs and charges. It seems to be clear that any such arrangement cannot benefit the solicitor. The authorities are uniform that an agreement, by which the attorney would get the client to pay him a larger sum than the Master would allow on taxation, is one which cannot be enforced: *Philly* v. *Hazle*, 8 C.B.N.S. 647. In that case Erle, J., observed: "Such agreements are void; otherwise, an attorney might hang up in his office a tariff of his own, and claim to bind all his clients by it, as doing business for them on the terms of a special bargain." See also *Re Geddes*, 2 Chan. Cham., p. 447. In *Re Newman*, 30 Beav. 196, the Master of the Rolls held that an agreement between an attorney and an intended client for the payment of a fixed sum for costs to be incurred (*i.e.* by way of anticipation) was illegal—bad on its face—need not be set aside—was mere waste paper.

(3.) The important constitutional questions, agitated in *Cullen* v. *Cullen* (see 10 C. L. J. 126), touching the right of the Bishops of the Roman Catholic Church to dispense with banns,

and marry without license, were again discussed. A *quietus*, however, has been given to all these by the Ontario statute, 37 Vict. c. 6, sec. 1, in cases where the parties have, after celebration, "lived together and cohabited as husband and wife," and where the validity of such marriage had not been therebefore litigated. The judge remarked upon the tautology involved in the expression, "lived together and cohabited." It is manifest that the terms are synonymous etymologically, and even in legal parlance, as the counsel observed they are so used, and we find Lord Eldon speaking of "cohabitation without reconciliation." But another point was raised during the argument of more practical consequence: that is, touching the admissibility of marriage and other entries in the parish record kept by the Romish clergy. It was contended, on the one hand, that such entries are only admissible when made in pursuance of a duty imposed or prescribed by law. It was answered, on the other hand, that it was enough if the entries were made in the course of duty by an ecclesiastic of the Church, in obedience to synodical regulations. The weight of authority seems in favour of this position, though it is by no means clear. Reference was made to the cases of *Rawlins* v. *Rickards*, 28 Beav. 370, and *Malone* v. *O'Connor*, 2 Ir. Eq. 16, which last, however, was not followed in *Ennis* v. *Carroll*, 17 W. R. 344. This is a matter which should not be left in doubt. It was not necessary in this case for the Vice-Chancellor to decide the point, and he abstained from expressing any opinion thereon. It is, however, a matter of vital concern to many people, affecting their status and civil rights; and it is not, in our judgment, unfitting that the Legislature should make provision for the admissibility of all such records kept by the ministers of all religious bodies, who be authorized to celebrate marriage.

(4.) Speculation was rife as to what the Crown would do for young Mercer, he being declared illegitimate by the Court, in the event of its being ultimately ascertained that his father was also "a nobody's child—*filius populi*." Since the disallowance of the Ontario Escheat Act one has no guide to refer to but the English fiscal practice in cases of personal estate, which has escheated. Of course, the Crown acts *ex mero motu* and *ex gratiâ*. After discharging all liabilities on the property, which, in this case, is chiefly personalty, a proportion is reserved, varying according to the amount of the clear surplus. If it is under £500, one-tenth is reserved; over £500 and under £1,000, one-eight; over £1,000 and under £5,000, one-sixth; over £5,000 and under £10,000, one-fourth; £10,000 and upwards, one-third. After this the claims of the nearest *natural* relatives are recognized, and the balance is distributed in the shares allotted by the Treasury. Thus it appears to be left pretty much in the discretion of the Crown to apportion the estate as it thinks best among those relatives, the natural next of kin of the deceased.

Lord Eldon, in *Moggridge* v. *Thackwell*, 7 Ves., 71, adverts to the fact that when there is an escheat for want of heirs, and the fact is not communicated, it is usual for the person making the discovery to petition the Crown, stating that there is such an escheat, and praying some reward upon the ground of the discovery, if it can be made out. This, he says, is familiar practice, whether well or ill-founded. And the ordinary rule is for the Crown to give a lease—as good a lease as it can give—to such person. No doubt Lord Eldon refers to the lease for thirty-one years, permitted by 1 Ann. Stat. 1, c. 7. To remedy this, and to give the Crown the right to alienate, 39 & 40 Geo. III. c. 88, was passed, recognizing and sanctioning the practice referred to, and enabling

the Sovereign to make grants of lands escheated, "either for the purpose of restoring the same to the family of the person whose estate the same had been, or of rewarding any persons making discovery of any such escheat." This statute is not in force in Canada; and it is probable that the Crown is, in this country, unable to dispose of the fee in escheated lands, except by a special Act of Parliament in that behalf. This is also a matter requiring legislative intervention.

ACTS OF THE LAST ONTARIO LEGISLATURE.

An Act to amend the Registry Acts.

Her Majesty, &c., enacts as follows:—

1. Section 19 of the Act passed in the thirty-first year of the reign of Her Majesty Queen Victoria and chaptered twenty, intituled "An Act respecting Registrars, Registry Offices and the Registration of instruments, relating to lands in Ontario," is hereby repealed, and the following section shall be substituted in its stead:—

"19. The Registrar or his Deputy shall, for the discharge of all duties belonging to the said office, attend at his office from the hour of ten in the forenoon until four in the afternoon, every day in the year except Sunday, New Year's Day, Good Friday, the Queen's Birthday, Christmas Day, and every day by proclamation of the Lieutenant-Governor appointed to be held as a general fast day or holiday in Ontario; and no instrument shall be registered by him on any such days, nor shall any instrument be received for registration by him on any day except within the hours above named."

2. Section 35 of said Act is hereby amended by inserting therein, after the words "with the will annexed," the words "or an exemplification thereof."

3. Sub-section one of section 41 of said Act is hereby amended by adding thereto the following words, "or before any Justice of the Peace for the county in which such affidavit may be sworn."

4. Section 71 of said Act is hereby amended by inserting in the seventh line thereof, after the words "the same," the words "or his assigns."

5. Form F in the Appendix to said Act, and referred to in sec. 45 thereof, is hereby amended by striking out the words therein, "Signed in the presence of A.B., clerk of the county court of the county of———," "Seal of Office," and it shall not be necessary that the said certificate shall be witnessed by the clerk of the county court or any other person, or that the seal of the said court shall be attached thereto.

6. Where it is desired to register an instrument other than a will in more than one registry office, the same may be registered in like manner as is provided as to powers of attorney by sections forty-seven and forty-eight of the said Act

SELECTIONS.

LAW REPORTING.

It is a strange, but nevertheless unquestionable fact, as all law reporters can testify, that judges and counsel of great legal experience have very frequently very little idea of what constitutes 'reportability' in a case. A remark mad by the Lord Chief Justice in the Exchequer Chamber lately, as reported in the *Times*, illustrates this very forcibly. His lordship is stated to have complained of the fact that out of seven cases set down as errors from the Exchequer, only one had as yet been reported, and to have said that it was of great importance in dealing with cases in courts of error that the court should have a report of the arguments and judgments in the court below. We venture to think that an experienced and competent law reporter would say that a more complete misconception of the true function of law reporting could hardly exist. We suspect that it is not a case of delay in publication, as suggested, and that in truth the cases referred to never will appear in the *Law Reports*, because they are not cases

involving sufficient novelty of principle to be worth reporting. This is a mere conjecture, but it is apparent that the test applied by the Chief Justice gives the go-by to the proper considerations which govern the question whether a case should be reported.

The reason assigned by the Chief Justice why the cases ought to have been reported, and why the not being reported it is ground of complaint, is that it would have been very convenient for the judges constituting the court in error, in deciding the cases in error, to have had an account in print of the argument and judgments below. Very probably it would, but it is quite obvious that this is no reason for reporting a case. If this consideration is to prevail, every case must be reported, for it is quite impossible to know which may go to error. The reports are not official publications; they are paid for by the consumer, the general legal public; why should they pay for the printing of a quantity of otherwise useless material in order to facilitate the decision by the judges in error of cases only interesting to the parties concerned? It is very proper that by shorthand writers' notes, or otherwise, the turn the case took below should be brought before the judges in error. That this knowledge should be possessed by them is no reason whatever why the case should appear in any series of law reports.

Speaking roughly, there are two classes of cases which are worthy of being reported. First, cases which decide a new point or principle, such as those which settle the meaning of a statute which has not yet received a construction, where such construction was really doubtful in the absence of decision; or which lay down the rule of expediency to be applied to some new combination of elements in social, commercial, or political existence which the couse of events brings forward. Secondly, cases which, though they do not decide absolutely new points or principles, nevertheless afford typical illustrations of the application of old points or principles to large or frequently recurring classes of instances. There is nothing, we believe, which darkens counsel so effectually as loading the books with cases in which, though much was mooted, very little or nothing was decided. An *obiter dictum* is, as a rule, better suppressed. A system in which previous decisions have the force of law has its drawbacks, though it seems to us that the advantages more than counterbalance them; but anything which tends to give mere *dicta* the force of precedents is, to our thinking, mischievous. The tendency of modern reporters is to confine the matter reported to the actual decision much more strictly than was the practice in former times, and we feel sure that the profession ought to support them in this respect.

There is no doubt a very frequent and natural tendency on the part of a lawyer who is getting up the argument of a case to welcome considerable prolixity in the reporter, and the diligent recording of loose speculative opinions, not strictly necessary to the decision of the case reported. Such a mode of reporting frequently affords padding for an argument to a counsel with a bad case, and, even if the counsel has the right on his side, it is more convenient for him to dilute his arguments to the volume which the fee may necessitate with the water of a judge's conversational expressions of opinion, reported at unnecessary length, than with observations of his own. The question, however, is not to be judged from this point of view, but from that of the general legal public who have to pay for the printing and to keep up with the constant aggregation of legal material. Law reformers constantly complain of the enormous mass of confusion which constitutes our English law, and aver that the grain of wheat lies imbedded in colossal heaps of chaff. The rapidity with which the yearly accretions of the *Law Reports* fill up the shelves of any library not of Brobdignagian proportions is an appalling phenomenon. It makes one sigh on considering the lot of our grandchildren who commence the study of law.

Seriously speaking, the unnecessary accumulation of printed matter upon the world is a great evil in any branch of learning. It is particularly so with regard to the reports of decided cases, where it tends greatly to increase labour and confusion. It is extremely desirable that a severe rather than a lax rule should prevail, as to what amounts to 'reportability' in a case, and for this reason we were sorry to observe the remarks of the Chief Justice reported in the *Times*.—*Solicitors' Journal.*

CANADA REPORTS.

ONTARIO.

PRACTICE COURT.

IN THE MATTER OF THE AWARD BETWEEN THE TOWNSHIP OF HOWICK AND THE VILLAGE OF WROXETER.

Municipal Act 1873, *sections* 25, 295—*Arbitration—Power of Arbitrators—Reference back.*

Two Municipalities having failed to agree as to the disposition of certain property and liabilities between them, an arbitration was had pursuant to sub-sec. 5 of sec. 25 of Municipal Act of 1873. The Arbitrators decided that the principle expressed in sub-sec. 4 of sec. 25, that the amount to be paid by one corporation to the other should be "such sum of money as may be just" had reference only to a fair equalization of the assessment of the Municipalities and that no other consideration should be regarded.

Held, 1. That although by the general law this award could not be impeached, as there was nothing wrong either of fact or of law on the face of the award, the Court must, nevertheless, when its interference is invoked under sec. 295, enter into the merits of the matters submitted.

2. That the arbitrators should have taken into consideration such other circumstances as they might have thought just, so as to arrive at an equitable settlement between the Municipalities. The award was therefore remitted to the arbitrators to award what they might find to be under all the circumstances just between the parties, upon a liberal and comprehensive interpretation of the statute.

[Practice Court—Mich. Term, 1875, and Jan. 7, 1876—WILSON, J.]

In Michaelmas Term *Francis* obtained a rule calling on the Township of Howick to show cause why the award made between the above corporations should not be set aside, or why the matters in question between the parties should not be referred back to the arbitrators named in said award, on the ground that the arbitrators, according to their admissions in writing filed on this application, assumed to determine the respective rights and liabilities of the respective corporations with reference to the real and personal property and debts of the union, having regard only to the relative populations as to the asset assignment of the provincial surplus distribution and to the relative assessment as to the railway liabilities mentioned in the award, whereas the arbitrators were bound under the provisions of the Municipal Act to take into consideration all such material matters as would enable them to make a just award between the parties in the premises.

The arbitrators were Alexander Shaw, Barrister, elected by the Township of Howick, David Davidson Hay, M.P.P., elected by the Village of Wroxeter, and these two elected Isaac Francis Toms, Junior Judge of Huron, as the third arbitrator.

The award was made by Mr. Toms and Mr. Shaw—Mr. Hay not concurring in it.

The two arbitrators found

(1.) That the personal property of the Township at the time of the separation of Wroxeter from it consisted of

(*a*) The amount coming to it from the Province on account of the Municipal Loan Fund surplus distribution $5,372 80

(*b*) The amount coming to it from the Province on account of the Land Improvement Fund, which fund is payable from time to time upon the sale of the Government lands in the Township, and which fund is capitalized by the award at $7,500 00

$12,872 80

(2.) That Howick owed at the time of the separation

(*a*) The amount due on account of debentures issued in aid of the Toronto, Grey and Bruce Ry. Co. $15,000 00

(*b*) The amount due on debentures issued in favour of the Wellington, Grey and Bruce Ry. Co..... $11,000 00

$26,000 00

(3) That of the above sum of $5,372 80 they apportioned to Wroxeter, $646 44 being a sum made on the basis of population of the two Municipalities. (The remainder or $4,726 36 goes, of course, to Howick.)

$5,372 80

And of the above sum of..... $7,500 00 they apportioned to Wroxeter

$50 00 being a sum made on the basis of the acreage of the two Municipalities, (and, of course, giving to Howick the residue or

$7,450 00

$7,500 00

thus giving to Wroxeter out of these two sums... $696 44

(4.) That of the above sum of $15,000 00 they awarded that the sum of

$975 00 should be paid by Wroxeter, (and, of course, that the residue

$14,025 00 should be paid by Howick.

$15,000 00

And of the above sum of..... $11,000 00 the sum of

$715 00 should be paid by Wroxeter, (and the remainder of

$10,285 00 by Howick.)

$11,000 00

Making together the sum to be paid by Wroxeter... ... ... $1,690 00

The apportionment being made upon the basis of the equalization of the value of the real and personal property of the two Municipalities.

$696 44

(5.) That Wroxeter should pay to Howick the sum of..... $993 56 being the difference between Wroxeter's share of personal property, and its indebtedness with interest at 6 per cent. from the 24th December, 1874, in ten equal annual instalments of $99.36 each. The first instalment of principal and interest to be paid on the 1st of January, 1877.

(6.) That Howick should retain the two sums of $5,372.80 and $7,500, and it should pay the two sums of $15,000 and $11,000.

(7.) The costs of arbitration and award were $259.25, which Howick should pay, and Wroxeter shall pay to Howick one half of such sum.

The arbitrators did not take into consideration certain matters brought before them in reference to a sectional bonus granted by Wroxeter and the unincorporated Village of Gorrie in aid of the Toronto, Grey and Bruce Ry. Co., not considering the same within the scope of the reference.

The three arbitrators made a written statement to the effect that they held that the principle expressed in the Municipal Act 1873, sec. 25, sub-sec. 4, that they should award "such sum or sums as may be just" had reference only to a fair equalization of the assessment of the Municipalities and to be determined only on that basis without regard to other considerations. The award was made on that application and view of the statute, and would, as to the distribution of liabilities, have been somewhat different if made on the view of the statute contended for by Mr. Hay, namely, that the arbitrators were entitled under the clause of the statute in question, to take into consideration not only the question of the assessment as a basis of the distribution of liabilities and assets, but any other fact, cause or consideration having any relation to or bearing on the position and obligations of the respective Municipalities.

In a separate statement Mr. Toms says :—

"I take this view of the matter that it is simply the duty of arbitrators to ascertain the amount of the indebtedness of the union, the value of their assets, and then to apportion the same according to the value of the property, real and personal, liable to assessment in the two new Municipalities. The award made by Mr. Shaw and myself, in which Mr. Hay did not concur, was based upon this principle. We arrived at the debt of the union, equalized the assessment of the two portions, and divided the debt. The assets we arrived at in the proportion of the population, the only assets being (with the exception of the Land Improvement Fund) the Municipal Loan Fund distribution. As to the Land Improvement Fund, we divided it according to acreage. I understand that all the arbitrators agreed as to facts."

He says there were two debts—the railway debts. The evidence, clearly showing that so far as the Wellington, Grey & Bruce Railway debt is concerned, the building of that road was an injury instead of a benefit to Wroxeter. He continued: "And did I consider that was a circumstance to be taken into consideration I should be inclined to relieve Wroxeter from the payment of any portion of the debt. But I cannot see that by the new incorporation Wroxeter can be relieved of that liability. It was suggested by Mr. Hay that if my view of the statute is the correct one there would be no use of an arbitration, as all that would require to be done would be to equalize the assessment of the real and personal property, and then distribute the assets and liabilities accordingly. I can fancy plenty of cases in which arbitration would be required, for instance the assets of the union might be of an uncertain value, and the equalization itself is an important and difficult matter."

Crooks, Q. C., in the absence of the counsel for the Township, supported the rule. Where there is a mistake on the face of the award the court may grant relief: Russell on awards 67; *Hogge* v. *Burgess*, 3 H. & N. 293. *Nichols* v. *Chalie*, 14 Ves. 265. So also when the arbitrators admit they have made a mistake in law or of fact. They have done so in this case by the statements which they have made in writing, giving the grounds of, and reasons for their award, which show they have not conformed to the directions of the statute by determining the matter submitted to them in such manner as "may be just." They say if they had possessed the power they would have thought it just to relieve Wroxeter from all liability for the Wellington, Grey & Bruce Railway debt, because the railway had not only not benefited the village, but had been an injury to it. All that is desired is that the arbitrators shall not bind themselves by so narrow a rule as they have thought they were obliged to conform to. The case of *In re Dare Valley Railway Co.*, L. R. 6 Eq. 429, is very applicable here.

Robinson, Q. C., showed cause to the rule. The village of Wroxeter has no right to be exempted from any part of the debts of the township incurred before the separation. The general debt must be assumed to have been for the general benefit of the whole township. Wroxeter has suffered no more by the debts than any other portion of the township. It is not just, therefore, that the village should be relieved as it now claims to be. But however that may be, more cannot be said by the village than that the arbitrators have made a mistake, either in fact or in law, in making their award, and it is well settled that in any such case the Courts will not interfere with the jurisdiction which has been exercised: *Dinn* v. *Blake*, L. R. 10 C. P. 388. In the case cited on the other side the arbitrator had exercised his powers: (Robinson & Joseph's Dig. Tit. Arbitration and Award, p. 161; Russell on Awards, 294, 295;) *Holgate* v. *Villeck*, 7 H. & N., 418. (This last case explains *Hogge* v. *Burgess*, 3 H. & N. 293, cited on the other side); *In re County of Middlesex* v. *Town of London*, 14 U.C. Q.B. 334; *County of Wellington* v. *Township of Wilmot*, 17 U.C. Q.B. 71; *In re United Counties of Northumberland and Durham* v. *Town of Cobourg*, 20 U.C. Q.B. 283.

Jones, for the village of Wroxeter, contended there should be no difference between a case of arbitrators deciding upon what they had no jurisdiction to deal with, and of their not fulfilling the powers they were entrusted with.

Crooks, at a later day, referred to the Municipal Act, 1873, sec. 295, showing that the Courts are not so strictly bound in dealing with awards made under that Act as they are in dealing with awards in general.

Wilson, J. The general rule is that the Court will not look at anything for the purpose of reviewing the decision of the arbitrator upon the matter referred to him, except at what appears on the face of the award, or in some paper so connected with the award as to form a part of it, and a letter subsequently writen by the arbitrator forms no part of the award: *Holgate* v. *Vutrich*, 17 H. & N. 418. But if the arbitrator himself admit he has made a mistake in the legal principle on which his award is based, the Court will interfere: *Dinn* v. *Blake*, L. R. 10 C. P. 388.

If I had to determine this application upon the general law I think I could not interfere, for there is nothing wrong either of fact or of law on the face of the award. And although the arbitrators have stated by a writing the grounds of their decision—and have shown that they would have decided differently in some respects if they had been at liberty to do so—yet that writing, not being contemporaneous with nor forming any part of the award, could not be looked at nor considered. And even if it could, the arbitrators do not admit they have made any mistake, but on the contrary maintain they have well and rightly decided according to their view of the law.

But I have to deal with this award under the special provisions of the Municipal Act to which Mr. Crooks has directed my attention, and which were not present to my mind on the argument, and they were not then referred to on either side, but I should of course have referred to the special source of power under which the award was made and by which it had to be judged before giving my final opinion. I have had occasion to deal with these enactments at different times, as they have been for very long an important part of the municipal law.

The 295th section declares that every award under the Act shall be in writing and shall be under the hands of all or of two of the arbitrators, and shall be subject to the jurisdiction of any of the Superior Courts of law and equity, as if made on a submission by bond containing an agreement for making the submission a rule or order of such court, and in the cases provided for in the 293rd section (and this case is

within that section, for it is an award under the Act, which does not require adoption by the Council), the Court shall consider not only the legality of the award, but the merits as they appear from the proceedings so filed as aforesaid (that is, filed under the 293rd section with the clerk of the Council), and may call for additional evidence to be taken in any manner the Court directs, and may, either without taking such evidence or after taking such evidence, set aside the award or remit the matters referred, or any of them, from time to time, to the consideration and determination of the same arbitrators, or to any other person or persons whom the Court may appoint, as provided in the C. L. P. Act, and fix the time within which such further or new award shall be made, or the Court may itself increase or diminish the amount awarded or otherwise modify the award as the justice of the case may seem to the Court to require.

I think it is my duty under that enactment to enter into *the merits* of the matters submitted, and that I must deal with "the award as the justice of the case may seem to the Court to require," and, as I have power to "call for additional evidence," I may act upon the written statements of the arbitrators, although they are not part of nor contemporaneous with the award.

Then what should the arbitrators have done under sec. 25, sub-sec. 4, which directs in the case of these two municipalities which were separating, that "the one shall pay or allow to the other in respect of the said disposition of the real and personal property of the union and in respect to the debts of the union, such sum or sums of money as may be just?"

Were they bound to apportion the debts and assets of the union according to the value of the property, real and personal, liable to assessment in the two municipalities, and according to population and acreage, as they have done? Or could they not take into consideration other circumstances which they might think just between the two bodies in order to make an equitable settlement between them? I certainly think they could have done so, and that they were not, nor are bound down so rigidly as they thought they were. And the Court may deal in the like manner with the rights and liabilities of the respective bodies upon a review of the merits of the case after the award has been made.

The claim of the village to a share of the sum of $5,372 80 has been decided upon the basis of population, which is, I suppose, sanctioned by the 37 Vict., c. 47, sec. 2.

The claim to a share of the $7,500 is based on the extent of acreage in the two municipalities. That may or may not be a fair way of apportioning it. I have not the means of determining it before me, and I do not think it has been complained of.

A village might happen to require a larger allowance from such a fund than mere farms or wood land. And it might happen that the site of the village might be especially in want of drainage, while most of the other parts of the township might not require it. These are special and purely local matters with which I cannot now deal.

Then the liabilities for the railway debentures, amounting in all to $26,000, have been apportioned according to the respective assessments of real and personal property in the two localities, and it is against that adjudication which the village chiefly, if not altogether, complains.

The village says the debentures given to the Wellington, Grey & Bruce Railway Company of $11,000, and for which the village is charged $715, should be struck off altogether from the village as a debt because the construction of that railway has been a serious injury to the village. And the arbitrators say they would have so struck it off, if they had felt at liberty under their rights, powers and duties as arbitrators to have done so.

As I have already said, I think they had the power to deal with these debts and assets in a different manner and in a more liberal spirit than they have done, and that they could, if they were of opinion the facts and evidence justified them, have disallowed that charge against the village on the ground that it was *just* to do so.

I can form no opinion at present whether the portion of the $26,000, or of either of the sums composing that amount, now debited to Wroxeter, should or should not—or one or the other of them—in whole or in part, be struck off from the liabilities of the village. It is not a matter of abstract reasoning in any respect that can determine such a question.

It does not follow that the village should be relieved from such a claim because it has not been benefited by the grant made or by the road established.

It may be the township would not have granted the bonuses if the village, as a part of the township, had not been looked upon by the

other parts of the township as a contributory, although an unwilling one, to the work. And while the township is a unit, the component parts of it must be governed for the good of the whole. And yet the village property and business—which are, of course, very different from merely rural sections—may have been so depreciated by such works that it would not be reasonable to burden the village with such a claim at all, or at most with a very small portion of it.

The course of trade and travel to and into the village may happen to lie in quite a different direction than that in which the railways, or one of them, may be located, or to or from which they may lead. Another village about the railway station may have sprung up which may have supplanted Wroxeter as the chief village in the township. And it might be just for the general and great gain which the township had made by the railway that it should assume the whole or the greater part of the debt, and relieve such a portion of the township as Wroxeter, which had been injured by the road, from payment of the debt in whole or in part

Certainly the township cannot tax those still in the township in the proportion in which they have been benefited by these roads. Some persons must be much more benefited than others are, and some persons must be in no way benefited, as well as those who are residents of Wroxeter.

If Wroxeter had been instrumental in carrying the by-law for the bonus, probably that would be a good reason for not relieving it from its share of the debt, or it might be a sufficient reason for charging it with more than what would have been its ordinary share.

In this case the village was against the bonus to the Wellington road, but it was in favour of the Toronto road. As to the latter road, I think it is not objected that it should not pay its quota for it. It may perhaps be argued that it should pay somewhat more than its share, as determined by the assessment returns.

However the arbitrators may deal with these matters, I need not now speculate. It is quite sufficient to say that the award should be remitted to the same gentlemen, who are competent to deal with these questions, and in whom the parties have perfect confidence, in order that they may deal more fully with the rights and liabilities of these respective bodies, by doing what is *just*, that is, fair and equitable between them according to the circumstances of the case, upon a liberal and comprehensive interpretation of the statute, and that the new award so to be made by the said arbitrators shall be made on or before the first day of February next.

The rule will be absolute remitting the award to the said arbitrators.

Award referred back to arbitrators.

COURT OF QUEEN'S BENCH AND COMMON PLEAS.

REGULÆ GENERALES.

Whereas, it was enacted by sec. 154 of the C.L.P.A., 1856, that the record of *Nisi Prius* should not be sealed or passed; and whereas, in consequence, the practice in England as to making up and delivering paper books and issue books was introduced by Rule No. 33 of the General Rules as to Practice of Trinity Term, 1856; and whereas, afterwards by section 203 of chapter 22 of the Consolidated Statutes of Upper Canada, it was provided that the record of *Nisi Prius* need not be sealed, but shall be passed and signed as therein declared; and whereas, in consequence of the last-mentioned enactment it has become expedient to rescind the Rule No. 33 of the General Rules of Trinity Term, 1856, and to make provision as hereinafter mentioned. It is therefore ordered:—

1. That Rule No. 33 as to Practice, of Trinity Term, 1856, shall be, and the same is hereby rescinded.

2. That the practice in England as to making up and delivering paper books and issue books, for the purpose of settling the same, is not to be followed in future.

3. That all rules or orders inconsistent with this rule shall be, and the same are hereby rescinded.

4. That this rule shall take effect on and after the second Monday of the present Term of Hilary.

The following Rules were also promulgated:—

REGULÆ GENERALES.

It is ordered as follows:—

1. That when any case shall be transmitted by a Court of Oyer and Terminer, or Gaol Delivery, or General Sessions, for the consideration of the Justices of the Courts of Queen's Bench or Common Pleas of Ontario, the original case signed by the Judge or Chairman of Sessions

reserving the question or questions of law, and three copies of such case, one for each Judge, shall be delivered to the Clerk of the Court at least four days before the day appointed for the argument, unless otherwise ordered by the Court.

2. That every case transmitted for the consideration of the Court shall briefly state the question or questions of law submitted. If the question or questions turn upon the indictment, or any count thereof, then the case must set forth the indictment or the particular count.

3. That every case must state whether judgment on the conviction was passed or postponed, or the execution of the judgment respited, and whether the person convicted be in prison or has been discharged on recognizance of bail to appear and receive judgment, or to render himself in execution.

4. That whenever a case is sent back for amendment the same shall be re-argued as regards the matter amended, unless the Court otherwise order.

5. That the original case as amended, and three copies thereof, or only of the amended portion or portions thereof, if the Court so order, shall be delivered to the Clerk of the Court at least four days before the day appointed for the re-argument, unless otherwise ordered by the Court.

6. That on every such argument or re-argument as aforesaid, the counsel for the prisoner or defendant shall have the right to begin and reply, unless the Court otherwise order.

7. That these rules shall take effect forthwith.

Osgoode Hall, Hilary Term, Monday, 7th February, 1876.

(Signed) JOHN H. HAGARTY,
ROBT. A. HARRISON,
JOS. C. MORRISON,
ADAM WILSON,
JOHN W. GWYNNE,
THOMAS GALT.

FLOTSAM AND JETSAM.

A CONSTITUTIONAL DIFFICULTY.—The people of the Isle of Man are profoundly agitated. They say that they are about to be deprived of liberty of speech, and that the press is to be muzzled. The liberty of the subject is in imminent peril. *Magna Charta* is to be a dead letter, and the *Habeas Corpus* a useless enactment. The terrors of the Inquisition and the iniquities of the Star Chamber are to be revived in the Isle of Man. If the Queen in Council assents to the Tynwald Court Bill, Manxmen will be slaves until they are delivered from the abolition of Home Rule.

As some of our readers may not know the Isle of Man system of government, a few words of explanation are desirable. There are two branches of the Legislature. The Council is the Upper House, and its members are Crown nominees. The meetings of the Council are private. The House of Keys, the Lower House, is elected by the people, and its meetings are not private. We may here remark that the Executive is permanent, and independent of the vote of the Keys. The Tynwald Court is constituted by the members of the Council and the members of the Keys. A Bill "to regulate certain proceedings in the Court of Tynwald" has been passed, and section 5, which provides for the punishment of contempt of Court, runs thus: "The Court and each House shall have power to punish contempts by fine and imprisonment, or by both, in like manner as any superior Court of Justice has power to punish contempts. Any contempt of a committee may, in the discretion of the House, be deemed to be a contempt of the Court or House by whom such committee may have been appointed: provided always that, in the case of a contempt of either House, the cause of contempt shall be set forth in the warrant or order awarding the punishment for such contempt; and provided, also, that no fine to be imposed shall exceed the sum of £300, nor shall any imprisonment exceed the term of six calendar months." We gather from a report of the proceedings in the Keys that the maximum fine is reduced to £100, and the maximum term of imprisonment to three months; but the clause is given as above in the memorial presented, or about to be presented, to the Home Secretary. It is this fifth clause that has alarmed and incensed Manxmen.

By the House of Keys Election Act, the House has authority to punish for contempts committed in its presence. We are disposed to agree with those who think that it is an improper limitation. A flagrant contempt might be committed not in the face of the House. Suppose it was stated in a newspaper, or at a public meeting, that the House of Keys was corrupt, and that it was selling its votes. Is that a contempt to be allowed because it is not committed in the face of the House? The news-

paper proprietors, in their memorial to the Home Secretary, say that the existing criminal and civil law of the island is perfectly adequate to deal effectually with any possible offence which the press can commit. But that is not the point. The memorialists do not object to the House of Keys having jurisdiciton to punish for contempts committed in its presence, and it is for them to show why there should be a distinction between the contempts committed in the face of the House and those committed not in the face of the House. In the debate in the Keys, Mr. W. Farrant proposed as an amendment that, in case either House is libelled or aggrieved, the matter should be referred to the Tynwald Court, and the judgment given and the sentence awarded by that Court. This amendment was rejected, on the ground that, inasmuch as the House of Lords or the House of Commons did not allow its dignity to be compromised by having to consult each other about a contempt, it would be undignified and dangerous for the Keys to be in the power of the Council, or the Council in the power of the Keys. An amendment to leave the amount of the fine and the duration of the imprisonment to the discretion of the offended House, was rejected; and certainly it is better for offenders that the discretion should be limited. Mr. La Mothe delivered a speech that is calculated to alarm the press. He objects to the press commenting on pending bills. He says that if there is an objection to a bill, the objector should present a petition to the House, and that comments in the press should not be permitted. If the Tynwald Court Bill is passed, and the House adopts the view of Mr. La Mothe, the Manx press will not be able to discuss any political question. That would be an absurd and reprehensible interference with the liberty of the press. What is the remedy? The memorialists ask that Her Majesty may be advised to withhold her assent from the bill until clause 5 has been expunged; but that would be rather a strong violation of constitutional etiquette. The bill is approved by the Executive, it was adopted by the Council, and it was passed in the Keys, with clause 5, by a majority of sixteen to three. Fancy the Queen being asked to veto a bill introduced by the Government, passed by the Lords, and also passed in the Commons by a four-fifths majority!

The proper remedy is in the abolition of the attempt to adapt an Imperial system of government to the government of an island thirty miles long by twelve miles broad, with a population of 50,000. A number of people, about the fifth of the population of the borough of Finsbury, have two Houses of Parliament and a High Court—the Court of Tynwald. We agree with the memorialists, who say that "it would be indeed dangerous in the extreme to invest a subordinate legislature, in a small place like the Isle of Man, with such a power as is now claimed." But if there is to be a legislature, it should have the rights and privileges of a legislature. What is now happening in the Isle of Man has happened in Greece and other small communities, where the British Constitution has been tried. The machinery of government that works well in an ancient and populous kingdom will not do in other places. We see the practical objection to clause 5 when it is read in connection with Mr. La Mothe's views of contempt. But we could not, as lawyers advising on a constitutional question, support the request of the memorialists, that the Queen should be advised to refuse her assent to a bill approved by the Executive and passed in the House by overwhelming majorities.—*Law Journal.*

An Aged Suit.—Some scientific inquirers have doubted whether any man or woman has ever lived for one hundred years. Whatever scepticism may exist as to the duration of human life, no one can contest the possibility of a suit in chancery lasting for 135 years. The fictitious suit of *Jarndyce* v. *Jarndyce* has been eclipsed by the real suit of *Ashley* v. *Ashley*. This glory of equity jurisprudence first saw the light in 1740, when Lord Hardwicke held the Great Seal. The Master in Chancery reported on it in 1792, the year in which Lord Thurlow was finally driven from office, exchanging the Chancery and the mace for Bath and the gout. From that memorable epoch the suit slept; but, as in Rip Van Winkle's case, the spark of life was not extinct, only dormant, and the suit reappeared in the year of grace 1875, on November 19, before Vice-Chancellor Sir Richard Malins. The long torpor under which it had been oppressed had given it new strength, and when it awoke its giant form so affected his Lordship that, in passing judgment, the Vice-Chancellor recommended that the suit should at once be removed into the Court of Appeal for final adjudication. In looking back upon the history of this suit the greatest marvel is that Lord Eldon had no hand in promoting its longevity, and the next greatest marvel is that the Judicature Act will prove the weapon of its

final destruction. There is, however, one fact in its career which must fill the profession with unalloyed pleasure. The costs have been paid from time to time out of the fund, and it is quite delightful to observe that the Vice-Chancellor wound up his judgment on the point before him with these refreshing words: "Tax and pay the costs of all parties out of the funds in Court."—*Law Journal.*

The oldest judge in England is the Right Hon. Sir Fitzroy Kelly, Lord Chief Baron of the Court of Exchequer, aged 80; the youngest, the Right Hon. Sir George Jessel, Master of the Rolls, aged 52. The oldest judge in Ireland is the Right Hon. James H. Monaghan, Chief Justice of the Court of Common Pleas, aged 72; the youngest, the Right Hon. Christopher Palles, LL.D., Chief Baron of the Court of Exchequer, aged 45. The oldest Scotch Lord of Session is Lord Neaves, aged 76; the youngest, Lord Shand, aged 47.—*Ex.*

COMMON LAW SPRING CIRCUITS 1876.

EASTERN CIRCUIT HON. MR. JUSTICE GALT.

Perth	Tuesday	14th March.
Cornwall	Tuesday	21st March.
Ottawa	Tuesday	28th March.
L'Orignal	Tuesday	2nd May.
Pembroke	Tuesday	9th May.

MIDLAND CIRCUIT—HON. MR. JUSTICE BURTON.

Belleville	Tuesday	28th March.
Kingston	Monday	10th April.
Napanee	Monday	17th April.
Brockville	Tuesday	25th April.
Picton	Tuesday	9th May.

BROCK CIRCUIT—HON. MR. JUSTCE PATTERSON.

Woodstock	Monday	27th March.
Owen Sound	Monday	10th April.
Goderich	Monday	17th April.
Stratford	Monday	24th April.
Walkerton	Monday	8th May.

VICTORIA CIRCUIT—HON. MR. JUSTICE MOSS.

Peterborough	Tuesday	28th March.
Lindsay	Tuesday	4th April.
Cobourg	Tuesday	18th April.
Whitby	Thursday	27th April.
Brampton	Tuesday	9th May.

NIAGARA CIRCUIT—HON. MR. JUSTICE WILSON.

Cayuga	Wednesday	22nd May.
Welland	Tuesday	28th March.
St. Catharines	Monday	3rd April.
Milton	Monday	17th April.
Hamilton	Monday	24th April.

WATERLOO CIRCUIT—HON. MR. JUSTICE GWYNNE.

Guelph	Tuesday	21st March.
Berlin	Monday	10th April.
Barrie	Tuesday	18th April.
Simcoe	Tuesday	2nd May.
Brantford	Monday	8th May.

WATERLOO CIRCUIT—HON. MR. JUSTIE MORRISON.

London	Monday	20th March.
St. Thomas	Monday	3rd April.
Chatham	Monday	10th April.
Sarnia	Monday	24th April.
Sandwich	Monday	1st May.

HOME CIRCUIT—CHIEF JUSTICE OF THE COMMON PLEAS.

Toronto, (Assize and Nisi Prius), Tuesday, 14th March
Toronto, (Oyer and Terminer), Tuesday, 18th April.

N.B.—There shall be in York a jury list and a non-jury list. The former list shall be first disposed of, and the latter not taken till after the dismissal of the jury panel, unless otherwise ordered by a Judge.

The Chief Justice of Ontario will remain in Toronto during the Spring Circuits, to hold the weekly sittings of the Superior Courts of Law, and to act as Judge in Chambers.

CHANCERY SPRING CIRCUITS.

THE HON. THE CHANCELLOR.

Toronto	Monday	March 13th.

THE HON. THE CHANCELLOR.

HOME CIRCUIT.

St. Catharines	Thursday	March 30th.
Hamilton	Tuesday	April 4th.
Brantford	Thursday	April 13th.
Simcoe	Wednesday	April 19th.
Guelph	Tuesday	April 25th.
Owen Sound	Thursday	May 4th.
Barrie	Tuesday	May 9th.
Whitby	Tuesday	May 16th.

THE HON. VICE-CHANCELLOR BLAKE.

WESTERN CIRCUIT.

Stratford	Wednesday	March 29th.
Goderich	Tuesday	April 4th.
Woodstock	Monday	April 10th.
Sarnia	Tuesday	April 18th.
Sandwich	Thursday	April 20th.
Chatham	Friday	May 19th.
London	Friday	May 26th.
Walkerton	Tuesday	June 6th.

THE HON. VICE-CHANCELLOR PROUDFOOT.

EASTERN CIRCUIT.

Lindsay	Tuesday	April 25th.
Peterborough	Monday	May 1st.
Cobourg	Monday	May 8th.
Belleville	Monday	May 15th.
Kingston	Monday	May 29th.
Brockville	Monday	June 5th.
Cornwall	Thursday	June 8th.
Ottawa	Monday	June 12th.

LAW SOCIETY OF UPPER CANADA.

Osgoode Hall, Michaelmas Term, 39th Victoria.

During this Term, the following gentlemen were called to the Degree of Barrister-at-Law :

No. 1342—Kenneth Goodman.
Thomas Horace McGuire.
George A. Radenhurst.
Edwin Hamilton Dickson.
Alexander Ferguson.
Dennis Ambrose O'Sullivan.

The above gentlemen were called in the order in which they entered the Society, and not in the order of merit.

The following gentlemen received Certificates of Fitness :

Thomas C. W. Haslett.
Angus John McColl.
Dennis Ambrose O'Sullivan.
Daniel Webster Clendenan.
George Whitfield Grote.
Charles M. Garvey.
Albert Romaine Lewis.

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

Graduates.

No. 2585—Goodwin Gibson, M.A.
John G. Gordon, B.A.
Walter W. Rutherford, B.A.
William A. Donald, B.A.
Thomas W. Crothers, B.A.
John B. Dow, B.A.
James A. M. Aikins, B.A.
William M. Reade, B.A.
Edmund L. Dickinson, B.A.
Charles W. Mortimer, B.A.

Junior Class.

Robert Hill Myers.
William Spencer Spotton.
William James T. Dickson.
William Elliott Macara.
James Alexander Allan.
Walter Alexander Wilkes.
William Andrew Orr.
Alfred Duncan Perry.
James Hartry.
Herbert Bolster.
John Patrick Eugene O'Meara.
Charles Augustus Myers.
Charles Crosbie Going.
David Havelock Cooper.
Emerson Coatsworth, Jr.
William Pascal Deroche.
Frederich Wm. Kittermaster.

Articled Clerk.

John Harrison.

Ordered, That the division of candidates for admission on the Books of the Society into three classes be abolished.

That 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.

That all other candidates for admission shall give six weeks' notice, pay the prescribed fees, and pass a satisfactory examination upon the following subjects namely, (Latin) Horace, Odes, Book 3 ; Virgil, Æneid, Book 6 ; Cæsar, Commentaries, Books 5 and 6 ; Cicero, Pro Milone. (Mathematics) Arithmetic, Algebra to the end of Quadratic Equations ; Euclid, Books 1, 2, and 3. Outlines of Modern Geography, History of England (W. Douglas Hamilton's), English Grammar and Composition.

That Articled Clerks shall pass a preliminary examination upon the following subjects :—Cæsar, Commentaries Books 5 and 6 ; Arithmetic ; Euclid, Books 1, 2, and 3, Outlines of Modern Geography, History of England (W. Doug. Hamilton's), English Grammar and Composition Elements of Book-keeping.

That the subjects and books for the first Intermediate Examination shall be :—Real Property, Williams; Equity, Smith's Manual ; Common Law, Smith's Manual ; Act respecting the Court of Chancery (C. S. U. C. c. 12), C S. U. C. caps. 42 and 44, and amending Acts.

That the subjects and books for the second Intermediate Examination 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, C. S. U. C. c. 88, and Ontario Act 38 Vic. c. 16, Statutes of Canada, 29 Vic. c. 28, Administration of Justice Acts 1873 and 1874.

That the books for the final examination for Students-at-Law shall be as follows :—

1. For Call.—Blackstone, Vol. I., Leake on Contracts, Walkem on Wills, Taylor's Equity Jurisprudence, Stephen on Pleading, Lewis' Equity Pleading, Dart on Vendors and Purchasers, Taylor on Evidence, Byles on Bills, the Statute Law, the Pleadings and Practice of the Courts.

2. For Call with Honours, in addition to the preceding —Russell on Crimes, Broom's Legal Maxims, Lindley on Partnership, Fisher on Mortgages, Benjamin on Sales, Hawkins on Wills, Von Savigny's Private International Law (Guthrie's Edition), Maine's Ancient Law.

That the subjects for the final examination of Articled Clerks shall be as follows :—Leith's Blackstone, Taylor on Titles, Smith's Mercantile Law, Taylor's Equity Jurisprudence, Leake 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.

That the Books for the Scholarship Examinations shall be as follows :—

1st year.—Stephen's Blackstone, Vol. I., Stephen on Pleading, Williams on Personal Property, Griffith's Institutes of Equity, C. S. U. C. c. 12, C. S. U. C. c. 42, and amending Acts.

2nd year.—Williams on Real Property, Best on Evidence, Smith on Contracts, Snell's Treatise on Equity, the Registry Acts.

3rd year.—Real Property Statutes relating to Ontario. Stephen's Blackstone, Book V., Byles on Bills, Broom's Legal Maxims, Taylor's Equity Jurisprudence, Fisher on Mortgages, Vol. I., and Vol. II., chaps. 10, 11 and 12.

4th year.—Smith's Real and Personal Property, Russell on Crimes, Common Law Pleading and Practice, Benjamin on Sales, Dart on Vendors and Purchasers, Lewis' Equity Pleading, Equity Pleading and Practice in this Province.

That no one who has been admitted on the books of the Society as a Student shall be required to pass preliminary examination as an Articled Clerk.

J. HILLYARD CAMERON,
Treasurer.