

PAYMENT OF EXECUTORS—I. SOCIETY EXAMINATIONS.

are not reckoned both on the receipts and disbursements: one half commission is allowed on the amount received, and one half on the amount paid out. Their practice in ordinary cases is to reckon commission upon the aggregate amount of the receipts and expenditures for the whole period of accounting. Where however an account is taken with annual rests for the purpose of charging interest on the yearly balances, then the commission is computed upon the aggregate amount of receipts and disbursements during each year. —*Vanderheyden v. Vanderheyden*, 2 Paige, C. R. 287.

It may be noticed that these provisions and regulations of the New York law are objectionable in extending merely to the receipt and payment of money, and in not providing any allowances for care and trouble in the management of the estate. And apart from this consideration, many cases will occur in which the rate allowed may on the one hand prove inadequate, or on the other hand, exorbitant. It would seem the better course not to fix the remuneration by the terms of an inflexible tariff, which must be equally applied to all estates, however varied in their circumstances and however differing in the degrees of skill, care and responsibility, requisite on the part of the executors. In Canadian practice accordingly, the rate of compensation has been left to the judgment of the officer of the Court, who exercises his discretion upon a survey of all the special features of each case.

In our next paper we shall comment upon the scope of the Canadian Act, and collect the decisions thereupon.

LAW SOCIETY EXAMINATIONS.

HILARY TERM, 1870.

The examination papers of the students last Term shew, on the whole, a marked improvement over previous years. The Attorneys' examination was remarkably good, the first man being very near the maximum, and it may not be saying too much to attribute this improvement over former years to the present system of education, which is now beginning to bear fruit. The Law School and the intermediate examinations all tend in the same direction, and as time goes on the benefits will be more and more perceptible.

The following gentlemen were called to the Bar:

Messrs. Jas. J. Foy, Toronto; S. R. Clarke, Perth: (without oral) J. R. Cartwright, Kingston; J. F. Bain, Perth: W. W. Evatt, Port Hope; J. G. Ridout, Toronto; W. Boggs, Cobourg; G. L. Tizard, Toronto; G. M. Cox.

And the following were admitted to practise as Attorneys:

Messrs. J. Muir, Kingston; J. J. Foy, Toronto; J. Akers, Toronto; J. Taylor, London; J. F. Bain, Perth; J. Masson; W. H. Bartram; D. McGibbon, Toronto; A. Lindsay, Toronto; J. G. Ridout, Toronto; W. W. Evatt, Port Hope; G. L. Tizard, Toronto; G. E. Corbould, Toronto; J. A. Gemmell, Ottawa; J. G. Hall, Port Hope; W. F. Walker; R. H. Caddy; C. C. Backhouse; G. M. Cox.

The intermediate examinations were also exceedingly good, as will be seen from the following lists. The maximum number of marks both in the third and fourth years was 240. The successful candidates in the third year were seventeen in number out of twenty who went up. We give the names of those who made over two-thirds: Biggar, 224; Smith, 216; McKenzie, 203; Kingsford, 180; Hall, 175; Macdonald, 168; McQuesten, 167; McMillan, 162; Ball, 161.

It is worthy of remark that the first seven of these, with the exception of Mr. Hall, are University men. Let not therefore those who can in any way afford the expense of a University education imagine that it is not without its benefits, even in connection with the study of the law. It is not however our purpose at present to dilate upon the advantages of a University course, but the profession will be none the worse for being recruited mainly from those who have received the most liberal education that the country can offer.

The gentlemen who head this list, and Mr. White, of the fourth year, could scarcely have done better. We notice also that number six on the list in the third year seems determined to follow in the footsteps of his talented and learned father the Minister of Justice, for he takes a very good place, considering that that part of the time which would have been most valuable to him for reading was devoted to working his way to Manitoba and back as a volunteer in the Red River expedition.

In the fourth year Mr. White, who is also a University man, is only one mark behind Mr. Biggar. He makes 223; Ritchie, 213; Bowes, 195; Bleecker, 193; Akers, 186; Burritt, 184; McDonell, 182; Strathy, 166;