of "A. Laberge & Fils," masons and contractors, of which the defendant was a member. It was contended that this was not a qualification such as the Statute required. In reply, the defendant alleged that the partnership between him and his father was a civil partnership, and that he could not be deprived of his share of the assets.

The Court held the qualification to be illegal: "Considering that by law, in commercial partnerships at least, one of the partners is not proprietor in common or *par indivis* of any part of an immoveable acquired by the firm, and cannot alienate or mortgage any part of such immoveable; and considering that even if the defendant was proprietor *par indivis* of half of the immoveable on which he qualified, it is proved that the said immoveable at the time of his nomination, was mortgaged for $5,600, and that the hypothec is by law indivisible, and affects each part of the immoveable for the whole, and that the value of a half is proved to be only $6,000."

Election declared void.

Lareau & Lebeuf for petitioner.

Lacoste & Globensky for defendant.

Montreal, Oct. 30, 1878.

MACKAY, J.

HAMILTON et al. v. ROY et al.

Compulsory Liquidation — Individual Estate of Copartners.

Held, where a writ of compulsory liquidation issues against the estate of a firm, the individual estates of the copartners vest in the official assignee as well as the copartnership estate.

The plaintiffs, on the 28th October, issued an attachment in compulsory liquidation against the defendants Adolphe Roy & Co., and John Fair, Official Assignee, took possession of the estate. On the 29th, La Banque Nationale issued a similar writ against the individual estate of Adolphe Roy, one of the defendants. Beausoleil, Official Assignee, petitioned for possession of the individual estate of Adolphe Roy, under the second writ.

Hatton, Q. C., for Fair, assignee, resisted the application, on the ground that the individual estates of the copartners vested in Fair, as well as the partnership estate, and cited: Clarke on the Insolvent Act, 1875, pp. 82, 304; In re Macfarlane, 12 L. C. J. 239; 2 Lindley, 1148; Lee on Bankruptcy, 436; Bedarride, tit. 13, No. 743.

MACKAY, J., sustained the plaintiffs' pretension, holding that the individual estates also passed. The application of Beausoleil was therefore rejected.

Application rejected.

Hatton, Q. C., for Fair.

C. A. Geoffrion for Beausoleil.

COMMUNICATIONS.

STENOGRAPHERS.

To the Editor of THE LEGAL NEWS:

SIR,—I must admit that I have been one of the promoters of stenography in our system of taking the evidence in open court. I am sorry to say that I am not satisfied with the working of the system; but my complaint is more against the practical way of taking notes than against the system itself, which is of great service to the profession.

By law, the stenographer is an officer of the court, he takes notes of the evidence after being sworn, he reads his notes to the witnesses, and he certifies himself to the testimony already taken by him by stenography.

As a matter of theory I have nothing to say against that, but the practice is a public danger.

I admit that the stenographer is an officer of the court, but he is a sphinx, as nobody but himself can read his notes, and he may read to the witness what *he* said and write afterward what *he* has not said, and file in court the pretended testimony of that witness, keeping in his pockets his notes, if not destroying them. Against this danger we have no remedy, the stenographer not being obliged to file his notes. And what would be the use of filing them if no one but himself could read them?

My system of reform would be:

1st.—That the notes of evidence be taken on a uniform system of stenography.

2nd—That a stenographer whose notes cannot be read by another stenographer, shall be incompetent to act as such.

3d—That the notes will be the exclusive property of the Court, be certified by the prothonotary and copied in a handsome hand-