

## QUEEN'S COUNSEL—SOME PECULIARITIES IN THE LAW OF LIFE ASSURANCE.

"There are two grounds upon which these patents of precedence are supposed to be granted—political services and professional merit. Of the two, we think the former the less objectionable. Let it be understood that during Tory reign the Tory lawyers can, on application, obtain their silk, and when the Grits succeed to office that their friends shall succeed at the bar, and, all events, we have an intelligible system. But, if merit is to be the ground, who is to award the prize? It is safe to say that the Governor-General and his council are seldom, if ever, personally aware of the respective abilities of those who are in daily competition at the bar, and yet they are those who decide the question. If the matter were as easy of decision as a horse-race, by all means let there be an annual contest, and let the best man get his reward. But, in so doubtful a matter as legal ability, who can decide? What is the criterion? Is it success? That comes sometimes without learning. Is it learning? That may exist without success. Is it both learning and success? Then what degree of each? Twenty briefs at an assizes, with fifteen wins to five losses? There is no gauge, and from the leaders to the duffers the gradation is so sensible that there must always be great difference of opinion as to the proper order of merit. It will not do to let the judges make the selection—although they are the most competent to do it—for they must keep themselves free from the suspicion of favouritism. It would disturb the harmonious relations of the bar to place the matter in the hands of practitioners, or the Law Society. Practically those with influence at Ottawa dispense the patronage, and usually the list is absurd and indefensible.

"We object to the system because it gives one barrister a fictitious importance and dignity over his fellows. If nature has endowed him with greater ability or industry, that is no reason why the Government should add to his advantages, and if his inclinations are political rather than professional, he should look for political and not professional rewards.

"We object to the system also, because it is carried out at the expense of jealousy, ill-feeling and heart-burning, and because it subserves no useful purpose. What propriety is there in exalting one man and, in consequence, relatively depressing another? Till nature changes, favoured elevation will turn conceit into superciliousness, and slights will discourage and dishearten the most indomitable."

As the person responsible for the above was one of the recipients of the so-called honor he had the greater freedom in thus "swairing at lairge."

## SOME PECULIARITIES IN THE LAW OF LIFE INSURANCE.

[Communicated.]

The Legislature during its last session passed an act consolidating and in many important respects amending the law securing to wives and children the benefit of life insurance, but in its over-anxiety to protect everybody and to make provision for all manner of cases which might arise has cast about the seventh section of the Act a cloud of uncertainty, and shrouded it with a degree of abstrusness that would render it difficult of construction even by the "Philadelphia lawyer" whose sagacity for construing knotty points has earned for him a degree of notoriety much to be envied by his less intelligent brethren.

The Act after making provision for the endorsing of policies (not originally taken out under the Act) in favour of the wife, or the wife and children of the insured, proceeds to deal with the question of making apportionments, and then declares:

"That where it is stated in the policy or declaration that the insurance is for the benefit of the wife and children generally, or of the children generally, without specifying the names of the children—the word *children* shall be held to mean all the children of the insured living at the maturity of the policy, whether by his then, or any other former wife, and the wife to benefit by the policy shall be the wife living at the maturity thereof."

Now this leaves little doubt as to the children—there has been a merciful and tender harked solicitude displayed by the legislators in providing for the issue of all the marriages, and the unfortunate insured can descend peacefully to his grave with the sweet assurance that his \$1,000 policy (or as the case may be) will at all events be divided equally among his surviving "olive branches," but it remains for that astute lawyer from the City of Brotherly