

V. C. W. RE SEYMOUR'S TRUST. June 30.

Will—Construction—Contingency.

Testator gave a sum of £2,000 to pay the interest, &c., for the support and benefit of his son A. during his life, and after his death to pay and divide the *corpus* between testator's daughter B, and such of her children as should be living at the death of A, and the executors or administrators of such of B's children as should be then dead, leaving any child or children living at the death of A. in equal shares, so that such executors or administrators of any such grandchild (of testator) so dying and leaving a child or children should take the same, share as such grandchild would have taken if he had been living at the death of A.

The testator died in 1846, and A. in 1858. In 1855, C. one of B's children, became bankrupt, and his reversionary interest in the £2,000 was sold by his assignees. C. died in 1856, leaving an infant child, and having appointed his widow his executrix.

Held, that the gift to the "executors and administrators" of the grand-children was not to them beneficially, and that the purchaser of C's reversionary interest from the assignees, was entitled as against C's executrix and infant child.

M. R. SMITH V. EVERELL. June 27.
Good will—Banking business—Executors' power to bind each other.

The good-will of a banking business belongs, in the absence of special agreement, to a surviving partner and the executors of a deceased partner, in proportion to the shares of partners. But in apportioning the proceeds of a sale of the business, regard must be had to the circumstances—as, for instance, that the premises belong to the surviving partner, and the right of issuing notes belonged exclusively to the surviving partner.

One or two executors may settle an account so as to bind their co-executors, in the absence of fraud, or possibly, of very gross error.

L. C. & L. L. J. STRINGER V. GARDINER. July 2.
Will—Construction "Niece"—Parol evidence.

A testator bequeathed a legacy to his niece E. S. At the time of making his will and of his death, he had not a niece E. S.; but some years before he had one so named, of whose death he was aware.

Held, that E. J. S., a great-great niece then living, was entitled.

L. J. DICKSON V. WILKINSON. July 8.
Solicitor—Negligence—Jurisdiction—Receiver.

Where a firm of solicitors act for a plaintiff in a suit, and also for the receiver, remittances made by the receiver to them, are received in the character of solicitors to the receiver, and they are not accountable for them to the plaintiff.

Whether there is any jurisdiction in the Court of Chancery, to make a solicitor answerable to his client for negligence, where there has been no fraud or misconduct, *quære*.

If there be such jurisdiction, it is a matter of discretion whether the Court should exercise it. And in such case, the client must show a clear case of damage, and that the Court of Chancery can alone give complete relief.

L. J. RE CANT'S ESTATE. July 8.
Right of pre-emption—Railway Company—Compulsory powers.

A testator gave real estate, including some garden ground, to trustees, in trust for his wife for life, and after her death, upon trust to sell and divide the proceeds among his children, with a proviso that one of his sons should have a right of pre-emption of the garden ground, at a fixed sum. After the testator's death, but before the trust for sale arose, a railway company took the garden ground under their compulsory powers, and paid the compensation money, which was more than the price fixed by the testator, into Court.

Held, that the right of pre-emption was not lost by the compulsory sale, but that the son was entitled to compensation money, subject to the deduction of the price fixed by the testator.

REVIEW.

THE LAW CHRONICLE: Editor, Henry Flowerden; Publisher, David Robertson Clark, High Street, Dundee, Scotland.

We have to thank the proprietor for Vols. II. & III. of this neat and useful publication. The editor is procurator before the Burgh Court of Dundee, and Sheriff and Commissary Courts of Forfarshire. The *Law Chronicle* contains reports of cases decided in different Sheriff's Courts, illustrative of the practice prevailing in the County Courts of Scotland. It contains besides, observations on the constitution of the Sheriff's Courts, and mooted questions of Law Reform, in connexion with the Courts. We are quite surprised to find so complete and so useful a Law serial, published in a Provincial Town of Scotland, and shall often recur to its pages for information. In some respects the administration of Law in Scotland excels that of England, and we have to thank the proprietor of the *Law Chronicle*, for enabling us to some extent, to make the comparison.

HARPERS'S MONTHLY MAGAZINE. Published by J. Harper & Brothers, Franklin Square, New York.

We have to acknowledge the receipt of the May number of this well known Magazine. It completes the *twentieth* volume. The publishers, in referring to its history, say: "With each successive number of the Magazine, the number and value of the original papers offered has increased, and for five years the Magazine has been filled mainly with original papers by American writers especially for its pages." It is also mentioned that the design of the publishers having been to make the Magazine one of art as well as literature, nearly seven thousand illustrations, at a cost of \$150,000, have been inserted in its pages.

Terms.—One copy for one year, \$3; two copies for one year, \$5; three or more copies for one year (each), \$2. Clergymen and teachers supplied at \$2 per year.

THE UNITED STATES INSURANCE GAZETTE for April, and GODEY'S LADY'S BOOK for May, received.

APPOINTMENTS TO OFFICE, &c.

CORONERS.

HENRY W. DAY, Esquire, M.D., Associate Coroner County of Hastings.—(Gazetted 14th April, 1860.)

HENRY W. DAY, Esquire, M.D., Associate Coroner County of Northumberland.—(Gazetted 14th April, 1860.)

ALEXANDER HAMILTON, Esquire, M.D., Associate Coroner of United Counties York and Peel.—(Gazetted 14th April, 1860.)

P. TERTIUS, Esquire, Associate Coroner County of Welland.—(Gazetted 14th April, 1860.)

CHARLES WILLIAM BUCHANAN, Esquire, M.D., Associate Coroner City of Toronto.—(Gazetted 21st April, 1860.)

ALEXANDER MCKENZIE, Esquire, Associate Coroner United Counties Stormont, Dundas and Glengary.—(Gazetted 21st April, 1860.)

NOTARIES PUBLIC.

GEORGE S. MCKAY, of Yorkville Esquire, to be a Notary Public in Upper Canada.—(Gazetted 14th April, 1860.)

ALEXANDER LAWSON, of Port Coborne, Esq., to be a Notary Public in Upper Canada.—(Gazetted 14th April, 1860.)

WILLIAM GREY, of Woodstock, Esquire, to be a Notary Public in Upper Canada.—(Gazetted 14th April, 1860.)

HENRY WHITE, of the City of Toronto, Esquire, to be a Notary Public in Upper Canada.—(Gazetted 21st April, 1860.)

GEORGE NEIMEIER, of Newstadt, Esquire, to be a Notary Public in Upper Canada.—(Gazetted 21st April, 1860.)

TO CORRESPONDENTS.

DIVISION COURT CLERK—A DIVISION COURT CLERK—JOHN C. MEREDITH—JOHN COOL—Under "Division Courts."

INQUIRER—Under "General Correspondence."