The Legal News.

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The judgment of the Court of Queen's Bench, Montreal, in the case of *Abbott & McGibbon* (7 L. N. 179) has been affirmed by the Privy Council, and the appeal dismissed. The question was, where a testator had power of apportionment of an estate between his children, and in the division one child was wholly excluded, whether there had been a valid distribution. The Court of Appeal in Montreal held that a division among four of the children to the exclusion of the fifth, was a valid exercise of the power vested in the testator. The Privy Council has dismissed the appeal from this decision.

University education as a preliminary to legal studies has been cried down recently in some quarters where the veneering of civilization is hardly skin deep, and where a University man would probably be very much out of his element. In an old forensic arena like London this is very far from being the case, and the record as far as regards the new legal appointments is surprisingly strong on the side of the old Universities, and particularly Cambridge. A contemporary states that both the law officers were 'wranglers,' Mr. Webster in 1865 and Mr. Gorst third wrangler in 1857. Five out of the ten new Queen's Counsel were at Cambridge, and of these Mr. Moulton was senior wrangler and Mr. Kennedy senior classic in the same year—that is 1868. Mr. Bayford and Mr. Channell were also wranglers, and Sir Arthur Watson is a Cambridge man. Oxford is represented by Mr. Elton, who was Vinerian scholar in 1862, and Mr. Samuel Taylor.

In a lecture delivered a short time ago in England the question was raised whether the Post Office could not supply official proof of the posting of letters where such proof might be desired. In English courts, it seems, very vague evidence is often accepted, and registration is not insisted upon. The suggestion is that forms should be issued at about three pence a dozen, to be filled up with particulars of the address of the sender of the letter, and simply examined, stamped and returned at the receiving office. A process so simple as this could be carried out at a very trifling cost to the department and might probably—as has already been proved with other small conveniences of a similar kind—be converted into a profitable source of revenue.

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*COURT OF QUEEN'S BENCH—MONTREAL.**

Master and servant — Responsibility of employer—Negligence of servant—Injury to fellow-servant—C.C. 1053, 1054.—An employer is liable for any want of care on his part by which his servant is injured; and, therefore, if he engages an unskilled or careless person to conduct his work, and owing to the want of skill or care of the person so employed, another workman is injured, the employer is responsible. But in order to hold the employer responsible, it must be clearly established that the negligence or want of skill of the fellow workman caused the accident by which the damage was occasioned. So, where two workmen were engaged in an operation not shown to be hazardous, and an explosion occurred which killed the superior workman and injured the plaintiff who was assisting the other, it was *held* that the workman injured had no right of compensation from the employer, in the absence of any evidence as to the cause of the accident, or that the employer was in fault by having hired a careless or unskillful workman. — *The St. Lawrence Sugar Refining Co.*, appellant, and *Campbell*, respondent.

Municipalités de villages — Municipalités locales—Code Municipal, art. 19, § 3, *et art.* 27—*Péage—Empierrement des chemins*—33 *Vic., c.* 32—36 *Vict., c.* 26, *s.* 34.—Jugé:—1o. Qu'aux termes du Code Municipal (34 Vict., c. 68, art. 19, § 3) les "municipalités locales" comprennent les municipalités de villages.

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