

M. R. **SECORER v. EDWARDS.** June 22, July 2.
Will—Construction—“And,” not read “or”—Gift over.

A testator by his will gave certain property to trustees in trust for the four children of his sister, and directed that “should one or more of them decease before marriage, and leave no issue, then their part or parts shall fall to the remaining brother or brothers, or their issue, share and share alike.” Two of the children died unmarried, and without issue. Another died leaving several children. The remaining child died married, but without leaving any issue. *Held*, that the word “and” could not be changed into “or,” and therefore that the gift over to the children of the deceased child did not take effect.

L.J. **IN RE BURKE.** June 5.

Lunacy—Idiot not so found by inquisition—Fund in Court—Payment of dividends to relatives of the idiot for his maintenance.

An idiot, aged 29, residing with his brother and sister, was entitled to £4,446 11s. consols, paid into court under the Trustees Relief Act, and also to other property, the whole income of which was under £800 a-year. Upon a petition presented in lunacy, and under the said act, an order was made for payment of the dividends of the fund in Court to the brother and sister of the idiot so long as he should reside with them, or their undertaking to maintain him.

V.C.S. **MARCH 10, 12, 13, 14, 15, MAY 26.**

JENNER v. JENNER.

Mistake—Family arrangement—Rectification of settlement.

Real estate was settled on A. for life; remainder to B., his eldest son in tail. B. at A's request joined with him in opening the entail to let in a charge. The estates were re-settled, and several years afterwards B. discovered that his estate tail had been cut down to an estate for life. B. stated that he had joined in opening entail on the understanding that subject to the charge and to certain modifications in A's. power of jointesting and charging portions, the estates should be settled precisely as they had previously been. A. stated that he had been under the same impression.

On evidence that the persons who prepared the re-settlement had explained the limitations to A. & B., a bill filed by B. to rectify the settlement was dismissed with costs.

L.C. & L.L.J. **WHITE v. BAKER.** May, 2, 26.

Will—Construction—Survivor.

Testator by will, after giving income of £5,000 stock to W. for her life, gave it after her decease to E. and A. in equal shares, and in case of the death of either of them in the lifetime of W., then upon trust, to pay the whole of the fund and interest unto the survivor of E. and A.

Held, that A. was entitled upon the death of E., living W., to a vested and indefeasible interest in the fund.

L.J. **FEB. 27, 28, 29, MARCH 1, 2, 5, APRIL 26.**

CONTREBARE v. THE NEW BRUNSWICK AND CANADA RAILWAY AND LAND COMPANY, LIMITED.

Joint Stock Company—Purchaser of shares—Representations by Secretary—Suit to rescind contract.

The purchaser of shares in a joint stock company limited, filed a bill to set aside his contract on the ground of alleged misrepresentations by the secretary in his interviews with him prior to the purchase.

Held, (reversing the judgment of Vice Chancellor Stuart) that the evidence showed that the purchaser was not sufficiently apprized by the Secretary, who was their agent for negotiating with the purchaser, of the position of the company, and that he had not the means of acquiring proper information about it, or of discerning the misrepresentation: that the company was bound by the acts of its secretary; that the purchase must be set aside, and the money repaid with interest.

M.R. **HARRIS v. DABBY.** May 22.

Solicitor—Execution—Professional services—Charges disallowed—Taxation.

Where a Solicitor who is appointed as executor, is authorized by the will to charge for his professional services, he is only entitled to charge for what are strictly “professional” services, and not for work done and services rendered, which ought to be done or rendered by an executor in a lay capacity.

If he accepts the office of executor, he must undertake its duties.

REVIEWS.

The **ELECTIC MAGAZINE** for July is before us, containing, with a historical portrait, the usual selections from the current foreign literature. The present number is fully up to the standard, having articles upon history, geography, and literary topics, of a character calculated to sustain the high reputation of this well known monthly.

BLACKWOOD'S MAGAZINE for June opens with a paper upon the “Book Hunter,” treating of the divisions of that class whose literary instincts confine them to the collection and not the reading of books. “The Monks of the West” is a review of the popular work of M. de Montelambert, under the same title. The next article is a review of “Two Years in Switzerland and Italy,” by Miss Bremer. The reviewer devotes a few well-written pages to a criticism of the peculiar theological opinions of the authoress, as shown in the anxious searches for her free church to be reared and animated by the genial spirit of benevolence by which she has been moved; and then continues with more general notes upon the very readable book under notice. Several other interesting papers fill the present number, which concludes with the “Memoirs of a Tory Gentlewoman,” a paper of the class always entertaining, for they call to mind the earlier times of the mother country, and, in their notices of the brilliant men and beautiful women, give us a closer view of that history so glorious in its epochs.

The **MONTHLY LAW REPORTER** (Boston) for May is in our hands. The leading articles are, an extended notice of the death of Chief Justice Shaw, of Massachusetts; and a charge upon the Law of Piracy, with an especial reference to the privateering tendencies of the so styled Confederate States. The number is concluded with the reports of the Supreme Courts of several States of the Union and a few English decisions.

APPOINTMENTS TO OFFICE, &C.

NOTARIES PUBLIC.

JAMES F. BROWN, of Toronto, Esquire, to be a Notary Public in Upper Canada. (Gazetted June 15, 1861.)

CORONERS.

DAVID CAW, Esquire, M.D., to be an Associate Coroner for the County of Waterloo. (Gazetted June 15, 1861.)

GEORGE PATON, Esquire, M.D., and **HART A. MASSEY**, Esquire, to be Associate Coroners for the United Counties of Northumberland and Durham. (Gazetted June 15, 1861.)

ROBERT HAWDEN, Esquire, M.D., to be an Associate Coroner for the United Counties of Lanark and Renfrew. (Gazetted June 15, 1861.)

TO CORRESPONDENTS.

“H. F. DUNDEE, SCOTLAND.” Your letter of 12th June received, but not the pamphlet to which it refers. We shall be glad to receive a copy and as glad to hear from you occasionally. You deserve to be well and honestly supported in your endeavours. No. 8 of Vol. 6 mailed as requested to your address.

“CHARLES DURAND”—Under “Division Courts.”

“LAW BRUIER”—“ENQUIRY”—Under “General Correspondence.”