

COURT OF QUEEN'S BENCH—MONTREAL.*

City of Montreal—Proprietors par indivis—Joint and several liability for taxes.

Held:—Affirming the judgment of TELIER, J., M. L. R., 4 S. C. 32, That the obligation to pay the taxes imposed by the Corporation of the City of Montreal on real property is indivisible, *solutio*ne, and that the city is entitled to recover the entire amount of such taxes from any one of the co-proprietors *par indivis* whose name is entered on the assessment roll as one of the owners.—*Cassidy & Cité de Montréal*, Tessier, Church, Bossé, Doherty, J.J., May 23, 1889.

Insolvency—Insolvent Act of 1864—Proof of claim.

Held:—Reversing the judgment of PAGNUELO, J., M. L. R., 5 S. C. 426, (DORION, C. J., and CROSS, J., *diss.*), That the claim filed by the respondent on the insolvent estate of John Stephen, was not legally established by the evidence, which was as follows:—(1) that the claim was mentioned by the insolvent in his *bilan*, but under a different name; (2) affidavit of claimant filed with his claim, and copy of transfer to him from Francis Stephen; (3) evidence that claimant consigned goods to Francis Stephen, who handed them over to John Stephen, the insolvent. (The judgment of the Court below being reversed solely on the insufficiency of the proof of claim, the question of prescription was not passed upon by the majority of the Court.)—*Hagar & Seath*, Dorion, C. J., Cross, Baby, Bossé and Doherty, J.J., Sept. 24, 1890.

TOWN AND COUNTRY LAWYERS.

Two considerations are to be advanced in favor of the country lawyer's lot. First, we believe that on the whole his average of happiness is greater than that of his city brother, even if such bliss would be impossible without some measure of ignorance. If he has never learned to be discontented with his simple environment, there is no reason why he should not have, together with good bodily health, a normal felicity of spirits. Rarely is he such a slave in his profession as the

active city practitioner. It would, of course, be a great mistake to suppose that so-called labor-saving appliances really accomplish that end. They do not decrease human labour—they simply increase the volume of work possible to be done. A city lawyer, with the assistance of carefully graded clerical force, stenographer, typewriter, phonograph, and all the other modern appliances, will nevertheless work personally more hours and worry more hours than a country lawyer of equal age and equal local standing. Moreover, the city man will probably break down or die the earlier of the two, and it is very doubtful whether, relatively to his manner of living, he will accumulate as large a competency for his declining years. Secondly—and this claim may seem heretical to some of our readers—the country practitioner is apt to be a better lawyer than his city rival.

We use the word in its strictest sense. The country lawyer has had more leisure to read law, not for immediate service, but for absolute knowledge. When he has been examining some question in the preparation of a brief, he has had opportunities to turn aside into this and that attractive by-path of investigation, just from curiosity to discover whither it leads. Out of interest in the subject he has read up the law collaterally as well as directly connected with his cases. Research of this kind is seldom indulged in by a man in the ceaseless rush of a city practice. The city man, on his part, acquires a species of lightning instinct, so that he can tell at a glance whether a reported case affects the case at bar one way or the other. But as a rule, the pursuit of a line of study that he does not require for definite use is out of the question. It follows that while the city lawyer generally knows how to quickly find the law, a country lawyer of ability and fairly studious habits, who has arrived at middle life, commonly knows the law. On more than one occasion we have been charmed in talking "shop" with a practitioner of bucolic dress and manner, whose nouns and verbs often disagreed, and whose speech betrayed the provincial accent of the neighborhood, to discover what a wide and well-systematized knowledge he had of jurisprudence. We have had the privilege

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