

their family: they being proved *alunde* to be members of that family by extrinsic evidence.

Although the court will admit hearsay evidence in cases of pedigree, it looks at such evidence with great jealousy, the parties giving it being interested witnesses; but discrepancies may go to confirm the truth of such statements.

V. C. K.            BROWSE V. SAVAGE.            June 11th.  
*Mortgage—Priority—Trustee—Stamp.*

When a fund on interest is held in trust and the *cestui qui* trust makes an assignment by way of mortgage, the assignee, in order to protect himself, must either give notice to all the trustees or obtain a top order.

If a trustee of a fund makes a false representation to an assignee he is personally responsible.

Notice of an assignment of an interest in a fund may be given at any time, and lapse of time only is not sufficient to ignore its existence.

A formal notice of an assignment to a beneficiary in a trust fund, being also a trustee, is unnecessary; any species of notice is sufficient, written or verbal, except a casual observation, which is not sufficient.

Notice to a beneficiary in a trust fund, being also a trustee who encumbers his share, is not sufficient to protect an assignee.

Notice of an assignment to a trustee who is also assignee, is sufficient notice.

A document must be stamped to make it receivable as evidence in a court of equity, but when once stamped it becomes valid *ab initio*.

V. C. K.            IN RE KEES.            June 16th.  
*Practice—Amendment—Petition.*

When after a petition has been presented, but before the order has been drawn up, an event happens affecting the existing order; such fact cannot be introduced by amendment.

V. C. K.            NOEL V. NOEL.            June 15th.  
*Special case—Power—Intention.*

Under his marriage settlement has a special power of appointment among his children as to £3000, part of an unascertained fund appointed by his father, who derived it under the will of Lord W. the residue, if any, being limited to him absolutely. N., by his will, gives all his real and personal estate whatsoever and wheresoever which he in any manner derived or became entitled to through the will of his late father, or of Lord W, in possession, reversion, remainder or expectancy, unto his two daughters equally for their absolute use forever.

On the question whether this was an exercise of the power: *Held*, that it was not.

L. J.            PERRY V. SHIPWAY.            June 6th, 7th.  
*Trustees of dissenting chapel—Injunction to restrain minister from officiating.*

Injunction granted at the suit of the trustees of a dissenting chapel, in whom the legal estate was vested upon trust for the use and benefit of the congregation, to restrain a minister from officiating therein, with whose conduct they were dissatisfied, and who retained the pulpit of the chapel against the will of the majority of the trustees.

M. R.            WARD V. GRAY.            April 29th. June 2nd.  
*Will—Construction—Legatee—Gift to A and her children.*

A testator directed that all his legatees should contribute one per cent. out of their legacies to A and her children.

*Held*, that specific and residuary legatees and annuitants were liable to contribute.

*Held* also, that A took a life estate with a power of appointment among children with remainder in default of the children equally.

## REVIEW.

THE WESTMINSTER REVIEW: Leonard Scott & Co., 79 Fulton Street, New York.

We have received the quarterly number for October of this excellent Review. As usual it abounds with able and some deeply interesting articles. The contents are: 1. Militia Forces. 2. Rousseau, his Life and Writings. 3. Spiritual Freedom. 4. Modern Poets and Poetry of England. 5. Physical Geography of the Atlantic Ocean. 6. Garibaldi and the Italian Volunteers. 7. Tennyson's Idylls of the King. 8. Bonapartism in Italy. The article on Militia Forces affords much material for thought and ought to be read with attention in Canada, where the maintenance of such a force appears to be a task of some difficulty. The articles on Garibaldi and Bonapartism in Italy are of much interest at the present time. The article on the Physical Geography of the Atlantic Ocean lays bare many of the hidden wonders of the deep, and is throughout worthy of study.

THE UNITED STATES INSURANCE GAZETTE AND MAGAZINE, Edited by G. E. Currie, New York. The Nov. number is received.

Among other papers of interest is one very ingenious and withal convincing paper headed "The usual objections to Life Assurance answered." The number is replete with statistical information indispensable to underwriters and others concerned in the business of Insurance. There are, besides, extracts from the Insurance law of several States of the Union, which for purposes of comparison with a view to the selection of the best, are materials most useful and very necessary to legislators. Price \$3 per annum, payable in advance.

THE LOWER CANADA REPORTS, Edited by Messrs. Lelievre & Angers; published by Augusté Coin, Quebec.

No. 9, Vol. X. of these Reports is received. It contains thirteen reported cases, of which one (*McCarthy v. Hart*) is the most interesting to an Upper Canadian lawyer. It deals generally with the right of attorneys in Lower Canada to form partnerships, and particularly as to the effect of a dissolution of partnership upon suits pending at the time of the dissolution. It was there held, where two attorneys are in partnership and one is nominated to the bench as assistant Judge, that service on the remaining partner is sufficient.

"THE WEEKLY LAW GAZETTE," Cincinnati. "THE LEGAL INTELLIGENCER," Philadelphia. "THE LEGAL JOURNAL," Pittsburgh.

We regularly receive the above Exchanges, and intend for the future liberally to avail ourselves of their contents, as we are happy to notice they do of the contents of the *Law Journal*. It is very gratifying to know that between us there exists not merely brotherly feeling, but an aptitude and ability to be useful to each other in the great field of legal science.

## APPOINTMENTS TO OFFICE, &c.

### CORONER.

EDWARD J. LAYTEL, Esquire, M. D., Associate Coroner for the United Counties of Peterborough and Victoria.

### NOTARY PUBLIC.

HENRY MCKINSTRY, of Hamilton, Esquire, to be a Public Notary in Upper Canada.

## TO CORRESPONDENTS.

ONE OF YOUR SUBSCRIBERS—OTTO KUTZ—AN INQUIRER—R. H. JONES—HENRY CARROLL—A SUBSCRIBER—under "Division Courts."  
JOHN TWIGA—under "General Correspondence."