

under Article 606 C. P., the costs of *defending* an action have no privilege, and should not rank before a hypothecary claim against the immovable sold, inasmuch as Art. 606 (8) mentions only a *plaintiff's* costs of suit.

The Court below maintained the collocation: "Considérant que le privilège pour les frais de justice n'est pas établi par l'article du Code du procédure civile invoqué, mais bien par les articles 1994 et 2009 du code civil, qui ne comportent aucune restriction telle que celle alléguée par le contestant ;

"Considérant qu'en droit ce privilège s'étend à toutes les avances et dépenses faites par qui que ce soit, dans l'intérêt commun des créanciers, et à celles ayant pour résultat d'arriver à la réalisation du gage et à la distribution du prix pour l'avantage de tous ;

"Considérant en outre que l'article 606 du C. P. C., surtout tel qu'amendé par le statut 33 Vict. ch. 14, s. 2, n'a pour effet que de régler l'ordre de collocation des frais de justice entre eux, et ne saurait être interprété de manière à restreindre le privilège accordé pour les frais par les articles précités du code civil ;

"Considérant en conséquence que le défendeur qui, par ses procédures dans l'espèce, a procuré la réalisation du gage commun des créanciers du demandeur, ne saurait dans les circonstances être privé du privilège susmentionné," etc.

In appeal, the judgment was confirmed, Ramsay, J., dissenting.

Judgment confirmed.

*Calder*, for appellant.

*Bethune & Bethune*, for respondents.

#### COURT OF REVIEW.

MONTREAL, JAN. 31, 1884.

Before JOHNSON, J., TORRANCE, J., RAINVILLE, J.

JOUBERT es qual. v. WALSH.

*Substitution*—"Enfants"—*Interpretation*.

In a deed of donation creating a substitution the term "children" ["enfants"] was held to include grandchildren, it not appearing from the terms of the deed that the word "children" was used in a restricted sense.

The case was inscribed by the defendant,

in Review of a judgment of the Superior Court, District of Joliette, (Mathieu, J.)

The judgment maintained a petitory action brought by the plaintiff as tutor to his minor children, whom he alleged to be substitutes under a substitution said to have been created by the will of their great-grandfather and great-grandmother.

The Court of first instance maintained the action, holding that the word "children," either in the disposing part or in the conditions of substitutions, applies to more than one degree unless it appears from the terms of the instrument that the word "children" was used in a restricted sense. (See 12 R.L. 334, where the judgment is reported.)

In Review, the judgment was unanimously confirmed.

*J. A. N. McConville* for plaintiff.

*Barnard, Beauchamp & Barnard* for defendant.

#### THE QUEBEC BAR.

At a general meeting of the Bar of the Province of Quebec held in the Montreal court house on the 15th and 16th instant, there were present Mr. J. B. L. Houde, *bâtonnier général*, in the chair, Hon. R. Laflamme, Hon. G. H. Malhiot, Hon. George Irvine, Messrs. W. White, C. A. Geoffrion, and S. Pagnuelo, secretary-treasurer of the council. In addition to the resolution referring to Chief Justice Meredith, noticed elsewhere, the following resolutions were unanimously adopted:—

Moved by Mr. Pagnuelo, Q.C., seconded by Hon. R. Laflamme, Q.C., and

Resolved, That, following the suggestion made by the examiners, first, the lieutenant-governor be prayed to compel the universities which confer degrees in law in this province to give the report mentioned in section 44, paragraph 2, of the Act of 1881, concerning the bar; second, that section 44, paragraph 1, of the said act be amended, repealing the part referring to two years of study in a university, and confining ordinary clerkship to four years; third, that candidates for practice who have obtained a degree in law must furnish to the examiners a certificate from the rector or principal of the university or college of the number of lessons received by each candidate in each branch of law, and the said examiners may refuse to accept such degree as valid if they are of opinion