

"SITUATED" IN ONTARIO

The case of re Lunness, decided by the Appellate Division of the Ontario Supreme Court, involved an interesting point on the construction of a will.

In this case a resident of the Province of Ontario, possessed of an estate of about \$300,000, consisting of real estate in Ontario, and C. P. R. stock, and by his will he devised and bequeathed all his real and personal estate to his executors, and authorized them to sell "all my property situated in the Province of Ontario," and to divide the proceeds equally among the three daughters named in the will.

The certificates for the Canadian Pacific Railway stock had been placed in a safe deposit vault in Toronto, and were at the time of his death, and in a suit to settle the meaning of the will the daughters contended that the words "all property" which the executors were authorized to sell, included the Canadian Pacific Railway Stock.

The other heirs, on the other hand, contended that the words "all property situated in the province of Ontario" excluded the daughters from taking any share of the C. P. R. stock, on the ground that the head office of the C. P. R. Company being in the Province of Quebec, the stock could not be "situated" in the Province of Ontario.

The Court held that the only property which could be situated in the Province of Ontario was the real estate, that the C. P. R. stock was not covered by the words "all my property situated in the Province of Ontario," notwithstanding the fact that the certificates representing the stock were actually in the Province of Ontario at and preceding the time of the testator's death.

"Underlying the argument made on behalf of the daughters is, I think, the fallacious assumption that incorporeal property must be deemed to have a situs," said the Court. "That argument was based almost entirely upon the maxim 'mobilia sequuntur personam.' That maxim is used as a convenient statement of the rule of private international law with reference to the descent of personal property. The law of the domicile, the personal law, is to apply to those who take upon the death of the testator. In the same connection a situs is attributed to things that cannot have any real situs. Here the testator, when used the word 'situated,' intended to use that word in the sense in which it is used and understood by ordinary people, equivalent to 'located' or 'placed with regard to its surroundings.' The idea of a situs attributable to an incorporeal thing probably never crossed his mind, and it is as fallacious to me to suggest that he thought that the Canadian Pacific Railway Company stock was situated in Ontario, because perchance the script was in his strong box

in Toronto, as to suggest that he regarded this stock as having a situation in the Province of Quebec, because the head office of the railway company was there."

London & Provincial Marine & General Insurance Co., Ltd.

The London & Provincial Marine & General Insurance Co. Ltd. of London, Eng. has completed the necessary arrangements for its entry to the United States for the transaction of fire insurance under the management of Frank & DuBois. The Company is controlled by the Yorkshire Insurance Company, and only writes Marine business in England. It was organized sixty years ago, and has a subscribed capital of \$5,000,000, with assets in excess of \$25,000,000.

Dale & Co., Limited, Establish Branch Office in St. John's, Newfoundland

Dale & Company Limited are announcing the opening of a new Branch Office in St. John's, Newfoundland.

For many years past, Mr. C. W. G. Tessier of that City has been acting as Marine Agent for this Company, which has now taken over his Insurance business, as from the 1st of August. Mr. Tessier becomes Manager of the Branch, jointly with Mr. O. P. Jones, who has been in the Head Office at Montreal during the past few years, prior to which time he was with the Toronto branch.

This makes the fourth Branch Office of the Company, while an associate office, Dale & Oliver Limited, maintains their interests in the City of Quebec.

The firm of Dale & Co. Limited, Montreal is known throughout Canada, as one of the largest, and most important firms of insurance Underwriters in the Dominion.

VICTIMS OF TOBACCO

Dr. Brady sets down as being "directly produced" by tobacco: Chronic rhinitis or catarrh, chronic bronchitis, chronic gastritis, hyperacidity of the stomach, angina pectoris, chronic Bright's disease and cerebral hyperemia. Where the women (who have these diseases) get them from he doesn't say, but not one woman in a thousand smokes, so it is probable that some other doctor whose red flag is cosmetics or corsets can trace these diseases in women "directly to ka'somining and corsetting."

Dr. Brady finds also that the use of tobacco by boys is much more ruinous than by men. There are few men smokers who did not begin in boyhood.