

SERVITUDE—Continued.

the property on which such servitude of passage existed, under a title deed duly registered. (2.) Renewal of registration of the deed by which the servitude was originally constituted is not rendered unnecessary by the fact that the servitude is referred to in a deed, (duly registered subsequent to 44-45 Vict. ch. 16) to the *auteur* of the party who pretends that the servitude is extinct. (3.) Where a right of way over an adjoining lot has never been localized in any title deed, as regards the part of the lot over which the right is exercised, the servitude is non-apparent, and therefore requires to be registered under 44-45 Vict. ch. 16. *Mathews v. Brignon dit Lapierre*, 425.

SHERBROOKE, CITY OF.

Meeting of city council—Notice of—39 Vict. (Q), ch. 50.] (1.) Public notice must be given of every special meeting of the city council of the city of Sherbrooke, as required by sect. 11 of the city charter, 39 Vict. (Q), ch. 50, whether such meeting be called by the mayor or not; and the absence of such notice vitiates the proceedings at such meeting. (2.) A service of notice of meeting on a councillor, at his place of business, after the hours fixed by law, is void. *McManamy v. Corporation of Sherbrooke*, 360.

SPECULATIVE TRANSACTIONS. See PROMISSORY NOTE, 400.

STREET RAILWAY. See NEGLIGENCE, 10.

SUBSTITUTION.

Construction of will of late Joseph Masson—Accretion.] *Tachereau v. Masson*, 207.

— *Powers of curator.*] A curator to a substitution can *ester en justice* only for the conservation of the rights of the substitution, defined by the civil code. *Benoit v. Ouimet*, 184.

— *Rights of institute.*] An institute has a right to sue for the recovery of the amount of an obligation due to him, as institute, subject to the rights which the substitutes may have at the opening of the substitution. *Benoit v. Ouimet*, 187.

SUCCESSION.

Partition—Reasons of utility justifying delay.] (1.) Art. 699, C. C., which provides that a partition may be deferred during a limited time, if there be any reason of utility which justifies the delay, expresses the law as it was before the Code. (2.) Where a testator bequeathed his whole estate to trustees, to pay an annuity to his wife, and the remainder of the revenues to divide and pay to the whole of his children or their lawful issue *per stirpes*, and directed that the immovables in his estate should be divided at the majority of his youngest grandchild—there were sufficient "reasons of utility" justifying the delay, and the testator's directions would be respected by the Court. (3.) As the legacy was universal and *per stirpes*, grandchildren born after the testator's death were clearly included in the terms of the bequest,