

the endorsement of these instruments occurs in 1607. From its obvious convenience it speedily came into general use; and, as part of the general custom of merchants, received the sanction of the courts. In the meantime, promissory notes had also come into use, differing from bills of exchange in that they were not drawn upon a third party, but contained a simple promise of the maker to pay. They were at first made payable to bearer, but when the practice of making bills of exchange payable to order, and making them transferable by indorsement, had become established, promissory notes were also made payable to order and transferable by indorsement. The practice of drawing cheques may be said to have originated with the London goldsmiths, who were the first English bankers. They became the depositaries of the money of merchants, and when a customer wished to make a payment to another, he would write a note to his goldsmith, or banker, requesting him to pay the amount required to the person named. Some of the early reports show that there was a struggle between the merchants and the courts, before the latter would fully recognize the force of mercantile usage. The first Canadian legislative enactment on the subject was an ordinance passed in 1777, for ascertaining damages on protested bills of exchange (17 Geo. III, c. 3).

In connection with this subject it might be well, perhaps, if the Senate debate on the bill were reprinted from the official report and embodied by way of supplement. Some of the promised works on the Act may perhaps include this feature.

TEXT BOOK SERIES.—Blackstone Publishing Company, Philadelphia, Pa.

The Blackstone Publishing Company have issued as No. 36, in their series of text-books, a very complete index of subjects treated upon in the Text-Book Series. This gives the subscriber not only a list of all the books in the text-book series which treat of each subject, but also the pages, so that he can gather all that is contained in the series upon any given subject. Thus, if he turns to the subject "Contract" in the Index, he

will be referred to the matters in the several volumes which relate to this subject. This bringing together and classifying the books with regard to the different subjects, will make the collection both serviceable and valuable.

REPORTS OF AMERICAN BAR ASSOCIATION.

The American Bar Association have issued the report of their thirteenth annual meeting, held at Saratoga Springs, N. Y., Aug. 20-22, 1890. The report, as usual, contains addresses upon several subjects of considerable interest to the profession. The next annual meeting of the association will be held at Boston, Aug. 26-28, 1891.

COUR SUPÉRIEURE.

MALBAIE, 18 juillet 1890.

Coram GAGNÉ, J.

In re GEO. DUBERGES, Failli; et DIVERS CRÉANCIERS, Colloqués, et DME M. A. ROY, Contestante.

- JUGÉ:—1o. *Que les jugements rendus contre un débiteur peuvent être attaqués par ses créanciers comme rendus en fraude de leurs droits.*
- 2o. *Que la tierce-opposition n'est pas autre chose que l'action paulienne appliquée aux actes judiciaires.*
- 3o. *Que le jugement annulant la séparation de biens profite à tous les créanciers du failli.*

Voici le jugement:—"Attendu que Dame M. A. Roy, épouse du dit failli, conteste la feuille de dividende préparée par le curateur aux biens du dit failli, alléguant qu'elle a obtenu un jugement de séparation de biens d'avec son dit mari, en février 1889, que ses droits et reprises ont été, par rapport du praticien nommé par ordre de la Cour, établis à la somme de \$4,600; que cette somme est une créance privilégiée et qu'elle aurait dû être colloquée de préférence à tous les autres créanciers;

"Attendu que la dite Dame M. A. Roy conteste en outre, les collocations de G. Filion et Joseph Sheehy;

"Attendu que le dit Filion a répondu à la dite contestation et en a demandé le renvoi;