

he has made a transfer of his rights of succession. The plaintiff answers that it is true he has made a cession, but the transfer has not been signified, and the defendants cannot avail themselves of this ground; that, besides, the transfer had been resiliated and annulled previous to the action, and he produces a paper *sous seing privé* showing the resiliation. The defendants have made no proof against this document, and there can be no reason for not giving it force. The defendants do not contest the ownership of the succession claimed, nor the defendant's quality of heir. They must give back the succession and render an account, as prayed.

Independently of this resiliation, the action as instituted would be well brought. See Pothier, *Droit de Propriété*, Nos. 369, 393.

Notwithstanding the sale of his rights of succession, the vendor always continues heir and third parties are entitled to consider him such. See Troplong, vol. 2, No. 979.

In the present case there has been no signification of the cession, and it is without effect as regards third parties. Troplong, Nos. 884, 885, 886. Pothier, *Vente*, Nos. 550, 554.

The judgment in *Berthelot v. Theoret*, invoked by the defendant, is not applicable. In that case there was signification of the cession. Everything was different, the cause of action and the condition of the parties.

The judgment is as follows:—

The Court, &c.

Considering that the plaintiff has proved the allegations of his action; that he was entitled to claim the succession devolving to him from his father, and of which the defendants are in possession;

Considering that the defendants are not well founded in the exception which they invoke, by reason of the transfer which they allege has been made of this succession by the plaintiff, inasmuch as it is proved that the cession had been annulled before the institution of the action, and as such cession, even if not resiliated, so long as it was not signified, could not entitle the defendants to oppose it to the *cédant*;

Considering, &c., &c. Judgment for plaintiff.

*St. Pierre & Co.* for plaintiff.

*Doutre & Co.* for defendant.

### A GREAT CHANCELLOR.

The great chancellors are few in number. They appear but once in a generation. Those of our own country may be counted upon the fingers of one hand; while the mother country, except for the longer duration of her judicial history, has been scarcely more prolific. It is the purpose of this paper to sketch in outline the career of one of the few; one who received the great seals solely as the reward of judicial merit, who held them for a longer period than any of his predecessors, and who was, in his generation, the foremost figure in English jurisprudence.

John Scott, the future Lord Eldon, was born at Newcastle on June 4, 1751, the day being otherwise memorable only as the birthday of George III., the sovereign whom he afterwards served so well. His father was a coal-fitter, of decent station in life, and of sufficient means to afford his sons John and William, who was afterwards the celebrated admiralty judge, Lord Stowell, good educational advantages. Scott's early education was had at the Free Grammar School in Newcastle, and on May 15th, 1776, when scarcely fifteen years of age, he matriculated at University College, Oxford. His college life was uneventful, and on February 20, 1770, he received his Bachelor's degree. He continued in residence at the university, and successfully competed for the chancellor's prize for the best composition in English prose, his subject being: "The Advantages and Disadvantages of foreign Travel."

He was intended, originally, for the Church, but the change in his circumstances brought about by his marriage forced him to abandon his original plans. Soon after receiving his degree he became acquainted with a Miss Surtees, the daughter of a banker at Newcastle, and after a year's engagement, their union being opposed by the parents of both, they were compelled to resort to a runaway match, with the usual accompaniments of ladder and post-chaise. Leaving Newcastle, they drove all night, and reached next morning the village of Blackshiels, near Edinburgh, where they were married, November 19, 1772. The Scotts soon relented toward the young couple, and they were invited to take up their residence under the paternal roof. The Surtees family withheld their blessing upon the runaway match for a longer period, but