

## DIARY FOR OCTOBER.

1. Sunday.....18th Sunday after Trinity. Wm. D. Powell, 5th C.J. of Q.B., 1877. Meredith, J. Chy. D., 1890.
2. Monday.....Co. Ct. sittings for motions, and sittings of Sur. Ct., except in York.
3. Tuesday.....Co. Ct. sittings for non-jury cases and sittings of Surrogate Courts, except in York.
7. Saturday.....Henry Alcock, 3rd C.J. of Q.B., 1802.
8. Sunday.....19th Sunday after Trinity. Sir W. B. Richards, C.J.S. Ct., 1875. R. A. Harrison, 11th C.J. Q.B., 1875.
9. Monday.....County Ct. sittings for motions, and sittings of Surrogate Cts. in York. De la Barre, Gov., 1682.
11. Wednesday...Guy Carleton, Governor, 1774.
12. Thursday.....America discovered, 1492. Battle of Queenston Heights, 1812.
15. Sunday.....20th Sunday after Trinity. English Law introduced into U.C., 1791.
16. Monday.....County Court sittings for non-jury cases in York.
22. Sunday.....21st Sunday after Trinity.
23. Monday.....Lord Lansdowne, Gov.-Gen., 1883. Last day for notice for Call.
24. Tuesday.....Supreme Ct. of Canada sits. Sir J. H. Craig, Gov.-Gen., 1807.
27. Friday.....C. S. Patterson, J. of Sup. Ct., 1888. Jas. MacLennan, J. Ct. of Appeal, 1888.
29. Sunday.....22nd Sunday after Trinity.
31. Tuesday.....All Hallow's Eve.

## Notes of Canadian Cases.

## SUPREME COURT OF CANADA.

Quebec.]

[May 1.

FOGARTY v. FOGARTY.

*Will—Construction of—Division of estate—Right to postpone.*

T.F.F., who in partnership with his brother J.F. carried on business as manufacturers of boots and shoes in Montreal, by his last will left all his property and estate to be equally divided between his two brothers, M.W.F., the appellant, and J.F., the respondent. The will contained also the following provision:

"But it is my express will and desire that nothing herein contained shall have the effect of disturbing the business now carried on by my said brother Jeremiah and myself in copartnership under the name and firm of Fogarty & Brother. Should a division be requested between the said Jeremiah Fogarty and Michael William Fogarty, should the latter not be a member of the firm, for a period of five years computed from the day of my death, in order that my brother, the said Jeremiah Fogarty, may have ample time to settle his business and make the division contemplated between them and the said Michael William Fogarty, and in the event of the death of either of them, then the whole to go to the survivor."

T.F.F. died on the 29th April, 1889.