The Legal News.

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BAR EXAMINATIONS.

A voluminous discussion has taken place with reference to examinations for study and practice. The petition of the General Council of the Bar to the Legislature, in connection with this subject, will be found in the present issue. Clause 1 is misleading: "to admit to the liberal professions, without examination, holders of diplomas of Bachelors of Arts," should evidently read "to *the study of* the liberal professions." The Universities claim that young men who have received the degree of Bachelor of Arts should be allowed to commence their professional studies without examination as to their scholastic acquirements. This is so reasonable a request that it is strange the Council of the Bar should ever have opposed it. It may be proper that the Council should have the power to examine candidates in all cases, but where gentlemen come forward with documents which prove that they hold a degree in Arts from a University, further examination should be waived. That was the practice formerly, before the present system of examinations was established. Take the case of a student who has followed the course of a High School for half a dozen years, and the course of an Arts Faculty for three or four more, and received the degree of Bachelor of Arts, and then, before he is allowed to open a law-book, he is told that he must submit to a schoolboy examination by gentlemen who, in some departments of study, would readily be plucked in the examinations through which the candidate has already passed! This is a humiliation without any compensation that we can see. In fact, while we are very far from undervaluing classical training, it is unquestionable that the preliminary requirements for law students have been carried too far. They may have the effect of keeping out some who would bring glory to the profession, but who are turned away from the door by the consciousness that their acquirements in some particulars are not of the order prescribed by the examiners. The late Earl of Beaconsfield, one of the greatest statesmen of the century, was never at a public school or college, and no doubt he would have been ignominiously rejected if he had ventured to present himself for admission to study law in Montreal or Quebec. The same fate, we fear, would befall the learned members of the General Council of the Bar, for a school boy would be covered with disgrace if his composition revealed the faults of grammar which appear in the petition framed by that august body. However, without discussing at present the extension of the privilege to all youths of fairly good education, in the name of common sense let us not make ourselves ridiculous by setting up rules which do not exist in any part of the civilized world.

When we come to the consideration of the examinations for admission to practice, however, we are disposed to go even further than the General Council. At present, a bribe is offered to students to induce them to attend courses of lectures on the various branches of law. A year is taken off the term of study, if they have followed a prescribed course. Students are usually eager and impatient to obtain admission to the profession, and the inducement offered to shorten the time is potential. We are inclined to think that it would be better to do away with the bribe. The term of four years is all too short to enable the student to be thoroughly equipped for the part he has to play, and it would be an advantage to the great majority to make four years the minimum, and to exact attendance at lectures from all. At present the position of the General Council is hardly reasonable. They exact the degree as the condition of shortening the term, and at the same time they wish to control the Universities as to the number of lectures which shall be delivered. This would be all right if the degree opened the door to the profession, and rendered an examination unnecessary. But the Council have supreme control over the examination for admission to practice. While this is the case,—and no one pretends to limit their right in this respect,—it is no part of their

policy or of their duty to interfere with the University courses. All they have to do is to thoroughly test the men who come forward to the examinations. If the lecture courses be inadequate, if the lectures be worthless, if the students have neglected their opportunities, the examination is the test which will reveal their weakness. The degree does not help them. It only makes their rejection the more ignominious. Here the professional examining body have everything their own way. They may make the examination as stringent as they please, and by rejecting those whose proficiency is doubtful, they have it in their power to enforce a longer period of study. Why, then, should the General Council set up their views as to courses of lectures in antagonism to the governing bodies of the Universities?

SUPERIOR COURT.

SHERBROOKE, May, 1888.

Coram BROOKS, J.

AGNES L. WORTH v. EMMA M. WORTH.

Will, Interpretation of—Substitution.

HELD:—*Where the testator has given the estate in usufruct to the surviving consort, and the estate on the extinction of the usufruct is bequeathed to the daughters in full and absolute property, for their alimentary pension and maintenance, and at her or their death to be for their own and respective heirs, estoc et ligne, that a substitution was not created, but the daughters were owners each for one-half.*

PER CURIAM.—Action *en partage* by plaintiff, one of two sisters, who alleges that her father and mother each made their last will and testament, by which they bequeathed their property *in usufruct* to the survivor and in property to plaintiff and defendant, and asking for *partage*, and that they be declared each the proprietor of half the estate.

To this defendant replies, acquiescing in the *partage*, but taking exception to that part of plaintiff's declaration, which asks that they, plaintiff and defendant, should be declared the absolute proprietors of the estate, alleging that by the wills of their late father and mother, which are identical in terms, a substitution was created in favor of the children of plaintiff and defendant.

The wills are in these terms and are identical,—after the expiration of the usufruct, what is left after the decease of the survivor and the extinction of the usufruct:—"I give, "grant and bequeath the same in *full and* "*absolute property* to my two beloved daughters Agnes L. Worth (plaintiff) and Emma "M. Worth (defendant), her and their heirs "forever, being a *propre* to them and not "subject to the control of her or their respective husbands present and future, entirely "excluded of the community of property "previously existing between them and "their respective husbands, and on no account whatever liable to be seized and "sold for the debts of their respective husbands, present and future, the same being "for their alimentary pension and maintenance, and at her or their respective "death, to be for their own and respective "heirs, *estoc et ligne*. I hereby constitute my "said beloved wife (or husband, as the case might be), my sole and universal legatee *in* "*usufruct* as aforesaid, and my said two "daughters and their heirs, my universal "legatees in *full property* forever, by virtue "of these presents."

The sole question is, did this create a substitution in favor of the children?

By Arts. 928 and 976, C.C., no words are necessary. Prohibition to alienate by will implies a substitution. In granting *ex parte*, defendant's petition for a curator, I held that it was better to grant than refuse, without deciding if really a substitution was created. Let us look at the words. At first sight the words, "*the same being for their alimentary pension and maintenance*" might seem to imply more than they really do. I think on a careful consideration of them and their context, that they simply imply that this property shall be *insaisissable*. Who is the *proprietor*? Because if there is no substitution, there must be a *proprietor*. The will says: "I give to my two daughters *in full and absolute property*, her and their heirs forever." It is true that our law encourages substitution, while the modern law of France does not; but such substitution must be created by the will and by the intention of

the testator or testatrix as *expressed in the will*. There is a *usufruct* created by these wills respectively, in favor of the surviving husband or wife. Here the property is given to the *plaintiff* and *defendant* and their heirs forever, being *propre* and *insaisissable*, not liable for their husbands' debts, and to go to them and their heirs.

Does this create a substitution? A great deal of argument and reasoning might be spent upon this question, and I think Mr. Justice Johnson says rightly, *Chester* v. *Galt*, 26 L.C.J., p. 140, that "it is impossible, as "far as I am aware, for any discussion, "however extensive and profound, or for any "terms, however careful, to define perma- "nently, and to the exclusion of plausible "criticism, what disposition of property is "or is not to be called a *substitution*. Every "one acquainted with the subject knows this "much; and every one who has written upon "it shows, perhaps unconsciously, by the "immense effort at precision and finality, "that such is the case." See Pothier on Substitutions, ss. 40-42; remarks of Chief Justice Lafontaine, in *Platt & Charpentier*, 8 L.C.R., p. 492.

The authorities cited in *Phillips* v. *Bain*, M.L.R., 2 S.C. 300, go fully into this matter, and while it is admitted that under our law, in matters of doubt, substitution is favorably looked upon, still I cannot help thinking that the words, "in full property," taken in connection with the rest of the clauses of the wills of the late father and mother of the parties, do not imply an intention to create a substitution, and that the Court, in following the doctrine laid down by Pothier and by Chief Justice Lafontaine, is declaring what is the law applicable to this case. It was stated that the parties had an interest against this, that if there is a substitution, the children would inherit *par têtes*, and not *par souches*. The legacies are to the daughters and their heirs, *i.e.*, equally to each daughter, and the fact exists that each daughter has a child or children. They are each entitled to half the property, and I think plaintiff's action must be maintained in its entirety with costs.

M. F. Hackett, for plaintiff.
Hall, White & Cate, for defendant.

COUR DE MAGISTRAT.

MONTRÉAL, 21 février 1889.

Coram CHAMPAGNE, J.

FLANAGAN v. DOYLE.

Comparution personnelle—Plaidoyer sans conclusion—Frais.

JUGÉ:—*Que lorsqu'un défendeur comparait personnellement et plaide par écrit en faisant une dénégation générale, sans conclusion, ce plaidoyer est suffisant comme défense, mais le défendeur n'a droit à aucuns frais.*

L'action était sur compte pour $4.25. Le défendeur comparut par écrit et produisit un plaidoyer dans lequel il alléguait qu'il ne devait absolument rien au demandeur, et que dans tous les cas, le demandeur avait entre ses mains des effets appartenant au défendeur d'une valeur plus grande que celle réclamée par l'action, mais le défendeur ne fit aucune conclusion.

Le demandeur fit une motion prenant avantage du fait que le dit plaidoyer n'avait aucune conclusion et demandant à ce qu'il fût rejeté du dossier avec dépens.

La Cour considérant que le plaidoyer en question contenait une dénégation suffisante des faits allégués dans la déclaration, et vu que le défendeur n'était pas tenu de plaider par écrit et pouvait se présenter en Cour le jour de l'audition de la cause, nier verbalement et mettre le demandeur à sa preuve, renvoya la motion du demandeur, mais sans frais, le défendeur n'ayant droit à aucuns frais.

Motion renvoyée sans frais.

Tucker & Cullen, avocats du demandeur.

(J. J. B.)

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*COURT OF QUEEN'S BENCH — MONTREAL.**

Sale — Simulation — Evidence — Purchaser in good faith.

The appellant (plaintiff) sought to recover machinery transferred to one Jos. Kieffer by deed of sale before notary, on the ground that the deed was simulated, and that the

* To appear in Montreal Law Reports, 4 Q.B.

appellant was the real owner of the machinery, Joseph Kieffer being merely his *prête-nóm*. One White intervened and alleged a purchase of the machinery by him from Kieffer.

HELD (affirming the judgment of TORRANCE, J., M. L. R., 1 S. C. 284):—That the sale to Kieffer could not be set aside by any evidence less strong than the deed of sale, and that even the admission by Kieffer that the sale was simulated (if such admission existed, which was not the case) could not affect the rights of the purchaser in good faith from Kieffer.—*Whitehead & Kieffer, & White*, Dorion, Ch. J., Monk, Ramsay, Cross, Baby, JJ., June 30, 1886.

Contempt of Court — Judgment where person holding moveable property in contempt of order of Court, is adjudged the lawful owner.

While an action of revendication of some machinery was going on, the plaintiff obtained an order of a judge, giving him provisional possession of the machinery. Nevertheless by collusion between the defendants, the property was put into the possession of White, intervenant. The plaintiff having taken a rule for contempt, the defendants and intervenant were ordered to give over the property within three days, which order was disobeyed.

HELD:—(Reforming the judgment of the Superior Court, M. L. R., 1 S. C. 288), that White was guilty of contempt, and should be fined $100; but that it was no longer expedient to order him to give up the machinery, because in another action, in which judgment was rendered at the same moment as that on the rule, White was declared to be the lawful proprietor of the machinery.—*Kieffer et al. & Whitehead*, Dorion, Ch. J., Monk, Ramsay, Cross, Baby, JJ., (Ramsay, J., *diss*), June 30, 1886.

Sale by sample—Latent defect—Complaint by purchaser— C.C. Art. 1530 — Reasonable diligence.

Wine was sold by sample, and accepted by the buyer without comparison, and paid for, and part of it resold by him.

HELD:—That the buyer was not entitled to tender back the wine, after the lapse of more than a year, on the ground that it was of inferior quality.—*Guest & Douglas*, Dorion, Ch. J., Monk, Ramsay, Cross, Baby, JJ., May 27, 1886.

Art. 1867, C. C.—Loan to Partner—Promissory note representing loan—Action against firm —Evidence—Entries in books.

In an action against a firm composed of Cadwell and Henry J. Shaw, for the amount of loans alleged by the plaintiff to have been made by him to the firm, but which were represented by notes signed by Henry J. Shaw alone:

HELD:—1. That the presumption arising from entries in the books of the firm, purporting to show that the loans were made to the firm, was completely rebutted by evidence that these entries were made by the plaintiff's son, then cashier of the firm, and were subsequently rectified by the firm; and further, by the letters of the plaintiff himself to Henry J. Shaw, which contained an acknowledgment that the loans were made to Henry J. Shaw individually.

2. A partnership will not be held liable under Art. 1867, C. C., for the amount of a loan made to one of the partners, although the money was applied by such partner to the use of the partnership, if it appear that the lender, though he was aware of the existence of the partnership, gave credit to the borrower personally, accepted his promissory notes for the debt, and looked to him as his debtor.—*Cadwell et al. & Shaw*, Tessier, Cross, Church, Doherty, JJ., Nov. 24, 1888.

General agent—Person held out to the public as —Authority to draw bill—Evidence—Loss of bill filed as exhibit—Security.

The appellants, W. F. L. and J. L. L., who were carrying on an ordinary business in Montreal under the firm of W. F. L. & Co., also appointed one J. H. Wilkins as their agent and manager to carry on a business on their account under the name of J. H. Wilkins & Co. It was proved that Wilkins was in the habit of endorsing bills receivable with the name of the firm, and that he sometimes

drew bills on customers. The respondent discounted one of these bills in good faith, in the same manner as he had discounted similar bills previously.

HELD:—1. That the fact of Wilkins' name being given to the business, and its being conducted by him, whether he was a partner or not, was sufficient to hold him out to the world as a general agent; and appellants were liable to the respondent for the amount of the draft so discounted, whatever might be the use to which Wilkins, without respondent's knowledge, applied the proceeds. (See also *Lewis & Osborn*, M. L. R., 2 Q. B. 353.)

2. Where the bill of exchange on which the action was based, filed by the plaintiff as an exhibit, disappeared from the prothonotary's office, the plaintiff was entitled to judgment for the amount, notwithstanding the loss of the instrument, on giving security to the parties liable, as provided by C. C. 2316.—*Lewis et al. & Walters*, Dorion, Ch. J., Cross, Church, Bossé, JJ., Dec. 21, 1888.

Lessor and lessee—Arts. 887-899, *C. C. P.—Jurisdiction of Superior Court—Declinatory exception.*

Massé & Co. sub-let to respondent certain premises held by them under a lease; and they also leased sundry moveables therein, for a certain sum payable in monthly instalments, the respondent also becoming liable for the rent payable to the proprietor of the premises under the lease to Massé & Co. In case of default to pay the instalments the right to resiliate the lease was stipulated. Massé & Co. transferred their rights to the appellant, who brought an action to resiliate the lease on the ground of default to meet the instalments. The proceedings were under the special procedure provided by C. C. P., 887 *et seq.*

HELD:—(Reversing the judgment of the Superior Court, M. L. R., 3 S. C. 197), that the appellant having the right to resiliate for default, the action was improperly dismissed on a declinatory exception.

Per Bossé, J.: That, in any case, the Superior Court having jurisdiction, the objection to the summary procedure was matter to be pleaded by exception to the form, and not by declinatory exception.—*Lusignan & Rielle*, Dorion, Ch. J., Tessier, Cross, Church, Bossé, JJ., (Tessier, J., diss.), Dec. 21, 1888.

Evocation—Art. 1058, *C. C. P.—Rights in future—Penalty of so much per day for not maintaining gates at railway crossings.*

HELD:—Where a railway company was sued for ninety dollars, being the amount of penalties for nine days, under a by law of a town enacting a penalty of ten dollars per day in the event of the Company's making default to erect gates at the intersection of the railway with certain streets, that rights in future within the meaning of Art. 1058, C. C. P., were affected, and the defendant might evoke the action to the Superior Court.—*Cie. du Grand Tronc & Corporation de la Ville de St. Jean*, Dorion, Ch. J., Tessier, Cross, Bossé, Doherty, JJ. (Bossé, J., diss.), Dec. 21, 1888.

APPEAL REGISTER—MONTREAL.

Tuesday, February 26, 1889.

Vinceletti & Merizzi.—Motion for appeal from interlocutory judgment rejected with costs; Bossé, J., dissenting as to costs.

Cherrier & Terihonkow. — Judgment reversed.

Jacobs & Ransom.—Judgment confirmed.

North Shore R. W. Co. & McWillie.—Confirmed.

Dorion & Dorion.—Confirmed.

Joseph & Ascher. — Confirmed. Motion by appellant for leave to appeal to Privy Council. Rule *nisi* for next term.

Bell Telephone Co. & Skinner. — Two appeals. Judgment modified; appellants to pay costs in both courts.

Milette & Gibson.—Reversed.

Stearns & Ross. — Reversed; each party to pay his own costs in the court below, but with costs to appellant in this court.

Evans & Lemieux —Confirmed.

Lyons & Laskey.—Confirmed, Church, J., dissenting.

Baldwin & Corporation of Barnston.—Confirmed.

Fraser & McTavish.— Motion for leave to appeal from interlocutory judgment. Continued to 15th March, to which day the Court adjourned.

THE BAR OF QUEBEC.

The following petition has been presented to the Legislature by the General Council of the Bar of the Province of Quebec :—

To the Legislative Assembly of the Province of Quebec :

The humble petition of the General Council of the Bar of the Province of Quebec respectfully represents :

That at a meeting of the General Council of the Bar of the Province of Quebec, held at Quebec, at the Court House, on the 30th January last, at which all the members of the said council were present, namely : Rouer Roy, Esq., Q.C., Bâtonnier-Général, and Hon. Rodolphe Laflamme, both of Montreal; Hon. François Langelier and George Lampson, Esq. of the city of Quebec; Hon. A. Turcotte and J. L. Hould, Esq., Q. C., of Three Rivers; William T. White, Esq., Q.C., and L. E. Panneton, Esq., Q. C., of Sherbrooke; Eug. Crepeau, Esq., Q.C., of Arthabaska; J. P. Noyes, Esq., of Bedford, and S. Pagnuelo, Esq., Q.C., Secretary-General and member of the said council;

It was unanimously resolved to represent, by petition, to Your Honorable House that the General Council is opposed :

1. To Bill No. 47 to admit to the liberal professions, without examination, holders of diplomas of Bachelor of Arts ;

2. To the Bill which tends to remove from the Bar the right of determining what courses of law lectures have to be followed by students, in order to give Bachelors-at-Law the privilege of being exempted from one year's study ;

3. To the Bill for erecting the Bar of the District of Ottawa into a section ;

4. To the private bills, now before the Legislature, for admitting the petitioners to the profession, without passing the preliminary examination for admission to study.

The following, amongst others, are the reasons which have led the General Council to oppose these various measures ;

I. As regards Bill No. 47, the experience of Bar examinations has shown that the University degrees granted in this Province are not always a proof of the qualification of the graduates, especially if one may judge by the degrees granted for legal studies. In the second place, McGill University, as was proved before a committee of the House in 1886, gives the degree of Bachelor of Arts to all students who complete the course in the Faculty of Arts, while the degree of Bachelor of Arts is granted only to a very small number of students in the colleges affiliated to Laval University, and there are classical colleges in this Province which have not the right of granting University degrees. In order to do justice to all the classical colleges equally, it would be necessary to admit, without examination, all students who have followed a complete course of study in the classical colleges of the Province. It has been found, by the experience acquired at Bar examinations, that the classical studies in a great many colleges are not of a sufficiently high degree to allow of their certificates being accepted without further examination; that several sciences, which are considered important, are greatly neglected in most of the colleges; that the programme and method of examination adopted by the Bar have had the effect of compelling the classical colleges to be more careful with their course of studies and of compelling the students to follow it more attentively and assiduously.

We think we are in a position to state that these examinations have already had the effect of raising the level of the classical studies, and are of opinion that to adopt the measure proposed by Bill No. 47 would be a retrograde movement.

II. Under the law of 1866, graduates in law of Universities were granted the privilege of being exempted from one year of study. This privilege is based on the presumption that the graduates have, *bona fide*, followed the course of law lectures for three years. Now, it is well known that degrees in law, until very lately, were granted to students who had followed the lectures *pro formâ* only, and that Faculties of Law also gave lectures *pro formâ* only. The same Act of 1866 gave the Lieutenant-Governor-in-Council, the privilege of prescribing the course of law lectures which the Universities were to be obliged to give, in order that their diplomas should confer the above privilege.

The Bar has repeatedly asked the Government to prescribe such course, but without success. In 1885, the law officers of the Crown finally informed the Bar that this matter did not fall under the jurisdiction of the Government, and that it belonged to the Bar. The law was therefore changed in 1886, transferring to the General Council of the Bar the powers which, for twenty years, had belonged to the Crown and which, for twenty years, had remained a dead letter.

The General Council of the Bar, after having examined the course of law of each of the Faculties of Law and having consulted the said Faculties, passed a by-law to determine the number of lectures, to be followed by the students during three years, on each branch taught in the Universities. This by-law has only been in force since the first of January, 1887, and it is already admitted by all that it has had the most beneficial results, by obliging the students to follow the lectures more regularly, and the Univer-ities to give their lectures in a more efficient manner. The bill now before the house, to take this power from the General Council, would have a disastrous effect on the teaching of the Law and on higher education in general. Therefore, your petitioners pray you, in the name of the public good and of the legal profession, not to take this right from the General Council.

III. According to the Bar Act of 1886, there exist six sections in the Province, each of which has its representatives in the General Council and on the Provincial Board of Examiners; it is also provided that the General Council may establish new sections, in the districts where there are at least thirty resident advocates. The establishment of a section gives the district a right to be represented in the General Council and on the Board of Examiners. Each of the existing sections has three representatives on the Board of Examiners and one or two representatives to the General Council. The Ottawa Bar, has not, according to the roll, the necessary number of members to be erected into a new section; moreover, it has never petitioned the General Council for that purpose. The Council protests against the intervention of the Legislature, with respect to the creation of new sections beyond the provisions of the general Act. If the Ottawa Bar desires to establish a library for its own use, the existing law gives its members all the facilities for so doing, by forming themselves into a library association. It is not desirable for the general good that there should be too great a number of sections, and your petitioners respectfully submit that this exceptional law would create a dangerous precedent, resulting in subverting the organization of the Bar without any apparent benefit.

IV. As regards the private bills now before the Legislature for the admission of the petitioners to the practice of Law, without passing the examinations required for admission to study, the undersigned represent that the General Council has alone the control over examinations for admission to study and practice, and that the petitioners for such private bills should have applied to the General Council and set forth the reasons which they might have for not submitting to the common law. Formerly every section had the right to admit to the study and practice of law. This system was altered and the control of the examinations given to the General Council and to a single Board of Examiners for the Province, with the object:

1st. Of establishing a uniform standard throughout the Province and, consequently, one that would be fairer for all; 2nd. Of raising the level of classical and legal studies in the interest of the public and of the profession; 3rd. Of removing the examiners from local personal influences and the importunities of the relatives and friends of the candidates.

The present system gives general satisfaction and has already produced very good results.

The undersigned hope that your Honorable House will protect the profession against all attempts to infringe its constitution, rights and privileges, and that it will not listen to the recommendations which may be made by the councils of sections, which are always more or less subject to local and personal influences, and who are not charged with the examinations. Whenever favorable cases may occur in which an exception may be made to the general rule, the General Coun-

cil is the only one which, by law, can grant such privilege and be in a position to judge of the merits of such applications.

Your petitioners therefore pray Your Honorable House not to take into consideration any applications for private bills which may be made, without the approval of the General Council; and, in any case, not to grant the favour of passing private bills, without subjecting the petitioners to the obligation of passing the preliminary examination for the study of law, as well as the final examination for practice.

They also pray you not to grant any demands to alter or amend the Bar Act, without consulting the General Council, the natural protector of its interests.

And your petitioners will ever pray.

(Signed by) Rouer Roy, Bâtonnier General, and S. Pagnuelo, Secretary-Treasurer of the General Council.

INSOLVENT NOTICES, ETC.

Quebec Official Gazette, Feb. 16.

Judicial Abandonments.

M. J. Ahern, trader, New Port, Jan. 15.

Philéas Beauregard, grocer, St. Hyacinthe, doing business as Beauregard & Lapierre, Feb. 13.

Ferdinand Bégin, currier, Lévis, Feb. 12.

Michel Chenard, trader, Fraserville, Feb 2.

F. X. Dugal, trader, Little River, Dec. 29.

Simon McNally, trader, township of Calumet Island, Feb. 11.

Marie Hermine Roy, doing business as Guimond & Cie., parish of St. Raymond, Feb. 12.

C. N. Savage, trader, Little Pabos, Jan. 17.

Curators Appointed.

Re J. Bte. Blanchard, Montreal and Ottawa.—J. N Fulton, Montreal, curator, Feb. 13.

Re Wm. Dieterle, merchant, Montreal.—S. C. Fatt, Montreal, curator, Feb. 13.

Re P. C. Gagnon, Quebec.—Kent & Turcotte, Montreal, joint curator, Feb. 12.

Re Eugène Létourneau.—A. A. Daigle, St. Guillaume, curator, Feb. 4.

Dividends.

Re Emery Bissonnette, St. Hyacinthe.—First and final dividend, payable March 3, C. Desmarteau, Montreal, curator.

Re H. Cousineau, Isle Bizard.—Dividend, payable March 12, Kent & Turcotte, Montreal, joint curator.

Re F. A. Hogle & Co.—Dividend, H. A. Odell, Sherbrooke, curator.

Re M. H. Loranger, Sherbrooke, first and final dividend, payable Feb. 26, J. McD. Hains, Montreal, curator.

Re Clara L. Morency.—First and final dividend, payable March 6, C. Millier and J. J. Griffith, Sherbrooke, joint curator.

Re L. M. Perrault, Montreal.—Dividend, payable March 12, Kent & Turcotte, Montreal, joint curator.

Separation as to Property.

Marie Louise Brunelle vs. Narcisse Desrosiers, carriage-maker, St. Marcel, Feb. 1.

Marie Fontaine vs. Noël Bonin, hotel-keeper, Montreal, Feb. 1.

Lucie Rousseau vs. David Déry, trader, Trois Pistoles, Feb. 4.

H. J. Taylor vs. Robert Pinkerton, Montreal, Jan. 5.

GENERAL NOTES.

WHAT IS A SIGNATURE.—The high sheriff of Hertfordshire, if rightly reported, seems to have taken a somewhat exacting view of the requirement of the signature of the elector nominating a candidate at a county council election. The nominator, Andrew Symington, signed his name 'Symington, Andrew.' He did so probably out of a precise desire to follow the entry of his name in the county register, so that there might be no mistake in his being identified as a voter. He had signed his name on another nomination paper in the ordinary straightforward way, but there is no reason in law why a man should sign his name in any particular sequence. The correspondent of a contemporary, who signs himself 'Railton,' if he were put on a list of voters, would have to condescend further to identify himself, but it is as lawful for him to sign his name in this way as it is for a peer or a clerk of the peace. The Act simply requires the name to be subscribed and signed. The ordinary signature is not required, and signatures are apt to vary from time to time. The reverse of the usual order of names on a cheque might put a banker on inquiry, but would not justify him in refusing to cash it.—*Law Journal.*

LORD WESTBURY.—The London correspondent of the *Manchester Guardian* recently sent the following amusing paragraph *à propos* of Lord Westbury: "It is asked to-day, 'Was Lord Westbury a wit?'" The answer of those who knew him best is generally in the negative. Wit is partly tested by surprise, but the sayings of Lord Westbury were astonishing chiefly in their egotism and depreciatory reference to others. I have heard of two which I believe are not included in Mr. Nash's "Life of Lord Westbury." Asked why he had refused a place on the judicial bench, Sir Richard Bethell is said to have replied, "Do you suppose that I, who can make £20,000 a year by talking sense at the bar, would take £5,000 a year to sit up there and hear my learned friends talk nonsense?" And at another time, when he and Sir Henry Keating were law officers of the Crown, Sir Richard Bethell was told that a solicitor was running about the corridors of the House of Commons in order to obtain Sir Henry's signature, jointly with his own, to an "opinion," upon which Sir Richard said, "Good heavens! he has my signature. What more can the man want?"