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## DECISIONS IN COMMERCIAL LAW.

RE MELCHERS AND DE KUYPER.—The resemblance between a registered trade mark and a mark sought to be registered, which may be sufficient cause (54-55 Vict. c. 35) for the refusal of the Minister of Agriculture to order registration of the latter, need not be so close as to entitle the owner of the registered trade mark to an injunction against the applicant in an action of infringement. It is the duty of the minister to refuse to register a trade mark when it is not clear that deception may not result from such registration.

MORROW V. LANCASHIRE INSURANCE CO.—Morrow placed \$2,100 insurance with the defendant company on his barn. Subsequently he mortgaged the farm to a loan company, and the policy was assigned as collateral security. The instrument of mortgage provided that the mortgagor must insure the buildings for not less than \$1,000, while the mortgagees might, without consulting the plaintiff, place any further insurance on the property. The mortgagees then secured, as they thought, the cancellation of the policy of \$2,000, and effected a new insurance with another company. This was done without either the consent or knowledge of the plaintiff. A fire destroyed the barn, and Morrow, knowing nothing of the steps taken to cancel his policy, sent the usual notice of loss to the defendant company, which promptly denied liability, alleging cancellation of the policy. The plaintiff then wrote offering to furnish proofs of loss, and the company again denied their liability and said nothing about the offer to furnish proofs of loss. The court held that the plaintiff did not cease to be "the person insured" within the meaning of the Insurance Act, and that the company could be discharged only on following strictly the provisions of the Act. The insurance effected by the mortgagees could neither be held to be a "subsequent" insurance nor a "double" insurance. The company was held to have made such a repudiation as relieved the plaintiff from making proof of loss.

GIGNAC V. ILER ET AL.—Where there was evidence of a request made by a person in embarrassed circumstances by one who had endorsed notes for him, for a conveyance of an equity of redemption in land to secure the endorser against his liability, and the first proceeding taken to impeach the conveyance was a seizure of crops upon the land under an execution against the grantor more than sixty days after the transfer was made, it was held that there having been pressure the conveyance could not be impeached as a preference. But the statement of the consideration in the conveyance being untrue, the onus was upon the grantee to prove beyond reasonable doubt that there was some other good consideration, and his unsupported statement that such existed was insufficient. Therefore the conveyance must be treated as voluntary, and so void under the Statute of Elizabeth.

HERE is the generous way our Western people do things: Dan Godfrey's English band, which is on its way to the Winnipeg Exposition, had arranged to play in Rat Portage. It was therefore moved, in the town council, by councilmen Teevins and Chadwick, and carried, That the mayor be requested to, by proclamation, declare Monday, 6th inst., a half holiday in the afternoon, and that the mayor extend to Dan. Godfrey and his band the freedom of the town.

## JOHN MACKAY

Public Accountant, Auditor, Receiver  
and Trustee

Bank of Commerce Bldg., Toronto  
Cable Address: CAPITAL. Tel. No. 2732.

THE INSOLVENCY AND LIQUIDATION  
DEPARTMENT OF THE

Western Loan and Trust Company, Limited,

IS OPERATED BY

W. Barclay Stephens,

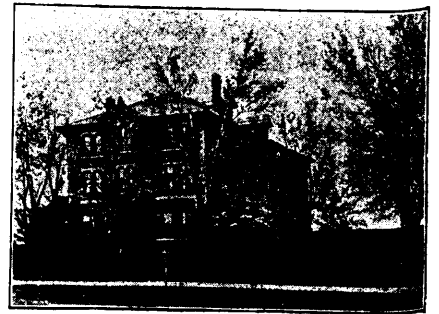
Manager of the Company.

Under the laws of the Province of Quebec the Company cannot be appointed directly to trusts, such as assignees, etc. Therefore, Mr. Stephens will act on behalf of the Company in all such cases, the Company assuming all responsibility and reliability in regard to any trusts which may be placed in his hands.

Address communications to

W. BARCLAY STEPHENS,

13 St. Sacramento Street, MONTREAL, Que.



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