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DECISIONS IN COMMERCIAL LAW.

PREMIUMS PAID BY THE BROKER.

THE UNIVERSO INSURANCE COMPANY OF MILAN VS. THE MERCHANTS' MARINE INSURANCE COMPANY.—An interesting decision has been recently given in the United Kingdom, re-affirming the custom that the underwriter in marine insurance looks to the broker and not to the insured for payment of the premium upon a policy. The defendants, the insured, in the express terms of a policy promised to pay the premiums to the underwriters. The brokers who had negotiated the transaction suspending payment, the underwriting company sued the assured for payment. It was set up in defence, that the insured were bound to pay the brokers' estate and not the plaintiffs', and that in respect to the former, they claimed a set-off. It was held that the above principle was a recognized custom of Lloyd's policies, and was not altered by the fact that the underwriters were a company, or that an express promise to pay had been made by the insured.

NO RESTITUTION OF PROPERTY DISPOSED OF BY ASSIGNEE.

TAYLOR ET AL V. CUMMINGS AND PEOPLES BANK OF HALIFAX.—An action was brought in the Superior Court of Canada to have an assignment by one McKinnon declared fraudulent and void, mainly on the ground that a secret agreement existed between the assignor, the assignee, and the firm of William Cummings and Son, a preferred creditor. Following the deed of assignment, the assignee had made preferred payments to Cummings and the Bank of Halifax. A claim to have these creditors pay over the amounts received by way of preference was held "absolutely untenable under English law, in an action to declare a deed void under the statute of Elizabeth. No decree has ever yet been made ordering restitution of property parted with by the assignor of the deed, or persons claiming under him. That statute avoids the deed, nothing more—it leaves the creditor defeated or delayed to his ordinary remedies, execution, garnishment."

PLUMBERS' COMBINATION.

MACAULAY V. TIERNEY.—The validity of the agreements of the Canadian Plumbers' Associations, as to restricted sales, has never been determined in the courts. It is interesting to note that in the above case, the Supreme Court of Rhode Island held that a similar arrangement by which the members of an association pledged themselves not to deal with wholesale merchants who sold to others than members of the association did not constitute a conspiracy and was not unlawful.

STEALING WOOD.

A LESSON to those pilfering people who will steal boards off a public sidewalk or the wooden steps off a private house was given by the police magistrate of Toronto the other day. James O'Malley, a storekeeper at Yonge and Belmont streets, Toronto, was charged with stealing a quantity of wood belonging to Chas. Bugg, 59 Grenville street, who is O'Malley's landlord, and owns some property on Roden place. The premises are in the rear of O'Malley's, and have been vacant, so that O'Malley thought himself privileged to help himself to all the wood he wanted. He chose to take part of the fence of this vacant property, thinking perhaps that seasoned wood burns best. His lawyer tried to get O'Malley let off, but Magistrate Denison replied: "I won't do it; there is too much of this sort of thing going on. People think that because a house is unoccupied they can take away anything they like." And Mr. O'Malley was sentenced to twenty days in gaol.

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