

conduct, his bare silence cannot be deemed a misrepresentation; and if the agent in such case did not read the policy to the applicant, or call his attention to the clause relating to incumbrances, the existence of a mortgage would be no impediment to a recovery from the insurance company.

When an insurance policy contains clauses requiring notice to be given, preliminary proof of loss to be furnished, and submission to an examination, in order to sue upon the policy, the insured party does not lose his right to sue, where, upon such examination being made, and the statement reduced to writing, he refuses to sign because of other statements added by the agent, and the company afterward refuse to allow him to sign, though he offers to sign the whole statement prepared by the agent. *O'Brien v. Ohio Ins. Co.* Sup. Ct. of Mich. Dec. 1883—*Amer. Law Record*, 152).

Fire Insurance — Transfer — Forfeiture.—1. The written assent of a fire insurance company to a transfer of a policy does not operate as a waiver of a prior forfeiture of the policy by a breach of one of its conditions, although the agents of the company were fully aware of the breach at the time.

2. The assent to a transfer of the policy is a mere assent to the substitution of the assignee to the rights of the assignor, and in no wise increases them. So if the assignor had no right in the policy by reason of a forfeiture at the time of the assignment, the assent to the transfer revived nothing and gave no rights to the assignee. *Ins. Co. v. Garland.* (Sup. Ct. of Ill., Jan. 1884—13 *Amer. Law Record*, 255).

GENERAL NOTES.

The admirers of 'Sir Roger,' Orton, or however he may be called (says the *Law Journal*), who may consider him a fit representative of themselves in Parliament should not be discouraged by the statement which has been made that he, like Davitt and O'Donovan Rossa, is disqualified. These gentlemen, it is true, were ticket-of-leave men, and were not allowed to sit in the House of Commons, and 'Sir Roger' is a ticket-of-leave man, but there the likeness ends. They had been convicted of felony, but he has only been convicted of perjury; and the House of Commons draws the line at felons, but admits perjurers. There is no law to prevent a ticket-of-leave man being returned to Parliament, if any constituency should take a fancy to that class of representative, and would overlook the fact that at any moment the Home Secretary may revoke the licence and consign their member to prison.

The doctrine of the English Courts first established in the Singer Sewing Machine case, to the effect that where a patented machine becomes known to the public by a distinctive name during the existence of the patent, any one at the expiration of the patent may make and vend such machines, and use such name, and no one, by incorporating such name into his trade

mark, can take away from the public the right of so using it, has been recently reviewed and followed by the Ohio Supreme Court Commission in *Brill v. The Singer Manuf'g Co.* (Ohio Sup. Ct. Com., June 3d, 1884), and it was held that where machines, during the time they are protected by a patent, become known and identified in the trade by their shape, external appearance or ornamentation, the patentee, after the expiration of the patent, cannot prevent others from using the same modes of identification in machines of the same kind manufactured and sold by them.—*Daily Register*.

The case of the three Greeks charged at the Thames Police Court with having in their possession certain statuary, said to be the property of the King of the Hellenes as treasure-trove, raises questions of law of some interest. The men cannot be tried in England for stealing the statues, because the English criminal courts have no jurisdiction to try a foreigner for an offence committed abroad. They cannot be sent back to Greece to be tried, for the simple reason that this country has no extradition treaty with Greece. The only offence which there is any pretence for saying that they have committed in England is that of receiving goods knowing them to have been stolen; but in the eye of the English law the statues cannot be considered as stolen. In order to convict a man as a receiver, a theft by some one must be capable of being proved in an English court, which for the reason given is impossible. The law which governs the taking of the statuary in Greece is the law of Greece, and no such mongrel offence is known to the English law as that of receiving goods in England knowing them to have been stolen according to Greek law. The right of property in the statues stands on a different footing. If the statues were wrongfully taken in Greece they are wrongfully held in England, and the King of the Hellenes may prove his case in a civil court.—*Law Journal*.

It is announced that the Queen has been pleased to confer upon the Right Honourable Sir John Macdonald the distinction of Knight Grand Cross of the Order of the Bath, in recognition of his eminent services to Canada and the empire. The *Gazette* (Montreal) says: The occasion selected for the bestowal of this mark of great honour is most fitting, the fortieth anniversary of Sir John's entrance into public life. The dignity is an exalted one. The Order of the Bath is one of the most ancient and honourable in heraldry, and though it fell into disuse for a time in the seventeenth century, it was revived by George I in 1725, and is now the second order in rank in England, the first being the Garter. By the statutes then framed for the government of the order, it was declared that besides the sovereign, a prince of the blood, and a great master, there should be thirty-five knights. The order was exclusively a military one down to 1847, when it was placed on its present footing by the admission of civil knights, commanders and companions. The order is divided into three classes, and it is to the first of these, that of the grand cross, that Sir John Macdonald has been raised, he having previously been decorated with the second class, that of Knight Commander. The civil list of the first class is limited to twenty-five, and Sir John's promotion leaves still one vacancy in the number. Among those upon whom the honour has been conferred in recent years are such distinguished men as Lord Dufferin, Sir Edward Thornton, Sir Bartle Frere, the Earl of Lytton, Sir Stafford Northcote, Lord John Manners, Sir Robert Peel, the Marquis of Hertford, Earl Sydney, and Viscount Halifax.