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DECISIONS IN COMMERCIAL LAW.

RAINVILLE V. GRAND TRUNK RAILWAY CO.

—Action for damages for negligence resulting in the burning of the plaintiff's property by sparks from an engine of the defendants. There was evidence that there was dry and inflammable material on the property of the defendant company, and that sparks or cinders from the engine might have fallen upon this and ignited it, and that fire might have thence spread or run to the plaintiff's property. Held by Ferguson, J., that proof that the fire was communicated by sparks or cinders from the defendants' engine might be by circumstantial evidence, and there were here relevant circumstances, given in evidence, fit to be submitted to the jury; motion for non-suit refused.

ATTORNEY-GENERAL V. CAMERON.—Rose, J., held, in addition to the findings already reported in THE MONETARY TIMES, the special case having been amended for the purpose of raising the question, that, under the Succession Duty Act, the duty payable on the capital was deferred until the final distribution thereof, and that the duty then payable would be on the amount then actually distributed, whether increased by accumulations, or by the rise in value of lands or securities, or decreased.

HOLWELL V. TOWNSHIP OF WILMOT.—Appeal by plaintiff from judgment dismissing with costs. One A. Kaufman, who was the treasurer of the defendant township, being in default for moneys collected by him, mortgaged his chattels to one Irwin, and on the 27th February, 1896, received a cheque for \$3,400 from Irwin's solicitor. The same day or the next morning he endorsed the cheque and sent it by mail to the manager of the Canadian Bank of Commerce at London, who, on the 29th of February, placed it to the credit of the "Township of Wilmot; A. Kaufman, treasurer," in the books of the bank. Kaufman was insolvent prior to the 24th February, 1896, and on the evening of the 28th February he made an assignment to the plaintiff for the general benefit of creditors under the statute. The plaintiff claims the cheque or its proceeds for the benefit of the creditors. It was held below that no right to the money passed to the plaintiff by the assignment, having special regard to the language of sec. 43 of the Post Office Act R.S.C., ch. 35, and that there was no preference of the township which could be attacked by the plaintiff. The Court of Appeal for Ontario held that plaintiff was not entitled to succeed; that the money had gone beyond revocation before the assignment.

BAKER V. FOREST CITY LODGE, INDEPENDENT ORDER OF ODDFELLOWS.—Appeal by plaintiffs from the judgment dismissing the actions which were brought for a declaration that the plaintiffs were entitled to sick benefits upon the same scale as that provided by the by-laws when they joined the dependent lodges, and to recover arrears of such benefits, notwithstanding a change in the by-laws. Appeals dismissed by the Court of Appeal for Ontario with costs.

THE following resolution has been passed unanimously by the North-West Assembly: "That in the opinion of this House, the North-west Mounted Police should be largely increased, in consequence of the opening of the gold fields of the Yukon and adjacent districts; and that, in view of the vast country over which the police have to exercise control, it is desirable this increase should take place immediately, so that the recruits may be prepared for active service in the spring."

DAVID A. PENDER,

(Late of Foster & Pender)

Accountant, Auditor, Assignee,

28 Wellington St. East,

Toronto.

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