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DECISIONS IN COMMERCIAL LAW.

MCBRIDE V. HAMILTON PROVIDENT AND LOAN SOCIETY, ET AL.—This was an appeal by the company from judgment in favor of plaintiff upon the findings of the jury for the wrongful seizure of plaintiff's goods under color of distress. The company were mortgagees of a property, and by their warrant authorized a bailiff to distrain the goods of the mortgagor for arrears due under the mortgage. The mortgagor had been dead for some years, and the company, not knowing this, seized the goods of a stranger, the plaintiff. It was held that the bailiff was acting within the scope of his authority and the mortgagees were liable for his act. The court also held that there was evidence upon which the jury might properly find that a local appraiser of the mortgagees was their agent for the purpose, and interfered in and directed the seizure, after being informed that the goods were not those of the deceased mortgagor.

TEMPLE V. ATTORNEY-GENERAL FOR NOVA SCOTIA.—By statute, a lessee of mining areas in Nova Scotia was obliged to perform a certain amount of work thereon each year on pain of forfeiture of his lease, which, however, could only be effected through certain formalities. By an amendment in 1889 the lessee is permitted to pay in advance an annual rental in lieu of work, and by s. s. (c) the owner of any leased area may, by duplicate agreement in writing with the commissioner of mines, avail himself of the provisions for such annual payment and "such advance payments shall be construed to commence from the nearest recurring anniversary of the date of the lease." By s. 7 all leases were to contain the provisions of the Act respecting payment of rental, and its refund in certain cases, and s. 7 was to come into force in two months after the passing of the Act. Before the Act of 1889 was passed, a lease was issued to E., dated 10th June, 1889, for twenty years from 21st May, 1889. On 1st of June a rental agreement under the amending Act was executed, under which E. paid the rent for his mining areas for three years, the last payment being made in May, 1893. On 22nd May, 1894, the commissioner declared the lease forfeited for non-payment of rent for the following year, and issued a prospecting license to T for the same areas. E. tendered the year's rent on 29th June, 1894, and an action was afterwards brought by the Attorney-General, a relative of E., to set aside the license as having been illegally and improvidentially granted. Held by the Supreme Court of Canada affirming the judgment of the Supreme Court of Nova Scotia in such action, that the phrase, "nearest recurring anniversary of the date of the lease," in the Act of 1889, is equivalent to "next or next ensuing anniversary," and the lease being dated on 10th June, no rent for 1894 was due on 22nd May of that year, at which date the lease was declared forfeited, and E.'s tender on the 9th June was in time. Held further, that, though the amending Act provided for forfeiture, without prior formalities of a lease, in case of non-payment of rent, such provision did not apply to leases existing when the Act was passed in cases where the holders executed the agreement to pay rent thereunder in lieu of work. The forfeiture of E.'s lease was, therefore, void for want of the formalities prescribed by the original Act.

—In the will of the late George Russell, the sculptor, of Aberdeen, Scotland, there was a codicil bequeathing \$75,000 for the benefit of policemen and scavengers.

JOHN MACKAY

Public Accountant, Auditor, Receiver
and Trustee

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

THE INSOLVENCY AND LIQUIDATION
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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

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