

the plaintiff to a second trial for a criminal offence. This was the only ground urged against the rule. Durand, contra, referred to *Mason v. The Ag. Mut. Ass. Co. of Can.*, 16 C. P. 493, S. C. 18, C. P. 19; *Lazarre v. Phoenix Ins. Co.*, 8 C. P. 136.

Galt, J.—The statement of loss on the first and last items, made by the plaintiff, and sworn to by him, amounted, as stated in the plea, to \$3,504.71 and the jury have by their verdict found the actual loss to amount to about one twelfth of that sum. In the case of *Gould v. British America Assurance Co.* (27 U. C. 473) all the cases in our own Courts on this subject are collected and reviewed, and although a new trial was refused, the defence being arson, the Court say "We do not, on the whole, see our way to, as it were, again putting the plaintiff on his trial for this serious offence;" shewing that, in the opinion of the Court, cases might arise in which a new trial might be granted. It is a matter of great delicacy for us to interfere in a case of this description, but the learned Judge reports to us that he was dissatisfied with the verdict; and, as it appears to me to be entirely against the weight of evidence, I feel that to refuse a new trial in this instance would be to lay down a rule that under no circumstances will a new trial be granted when the defence relied upon is fraud and false swearing. It may be observed that the opposition to this rule, on the part of the plaintiff, shews that, although, in making his claim against the Company, he swore that his loss was upwards of \$3,500, he is satisfied to receive \$300 in discharge of it. This is very strange conduct on the part of a man who really believed that he had sustained the damage to which he swore.

Hagarty, C. J.—I agree with the judgment of my brother Galt. I do not desire that the ordinary practice as to granting new trials in these cases, as laid down in *Gould v. British American Assurance Co.* and *Miller v. Ball*, should be considered as weakened by this decision. It is sufficient to say that there is no rule on the subject so inflexible as to govern a case like this. It rests with the plaintiff whether his conduct shall again be discussed in Court. He may be sanguine enough to expect that another jury may be found to deal with his case in as large a spirit of charity, as to his estimate of loss and the good faith of his affidavits, as the jury that has recently upheld his honesty of purpose in swearing that his actual loss was twelve times larger than they themselves found it to be. We think the case should abide the event.

Gwynne, J.—I quite concur that in this case the issues should be submitted to another jury, and I do so without intending to depart from anything I have said in *Miller v. Ball* (19 C. P. 449). When a party presents a claim so extortionally disproportionate with any loss by him sustained, the least I can conclude is, that the jury, in rendering their verdict, must have greatly misconceived what the issue they had to determine was; and, in the language of *Martin, B.*, in *Davies v. Roper* (2 Jur. N. S. 169), I must say that there is danger lest trial by jury should become a great evil, if a verdict like this is to stand, founded upon such evidence as was given in this case, and which the learned Judge who tried the case thinks to be very unsatisfactory.

Rule absolute for new trial, costs to abide the event.

STAMPS ON PREMIUM NOTES.—Mr. R. A. Harrison has introduced a Bill into the House of Commons to remove doubts as to whether stamps should be affixed to premium notes for insurance in Mutual Fire Insurance Companies. It has passed the second reading and will no doubt become law. The bill is as follows:—1. All promissory notes for the sum of twenty-five dollars or other certain sum of money in excess of twenty-five dollars, made and given since the passing of the Act of the Dominion of Canada,

imposing duties on promissory notes and bills of exchange, or hereafter to be made and given for premiums of insurance by any member of a Mutual Insurance Company to any such company or to any officer thereof, for a premium or premiums of insurance, payable either in whole or in part on demand, or at a time or times certain, or at such time or times as the Board of Directors of any such Company deem requisite, or in such proportions and at such times as the Board of Directors may require, or in any form of words to the like effect, shall be deemed and taken to be promissory notes within the meaning of the said Act; and subject to the duties by the said Act imposed on promissory notes and bills of exchange: Provided that all such notes heretofore given and not stamped as by the said Act required, shall be held valid promissory notes to all intents and purposes if the President, Vice-President, Manager or Secretary of any such company shall, before suit on any such note where the suit is brought within two months after the passing of this Act, or at furthest within three months after the passing of this Act, pay double duty on such notes by affixing to the same a stamp or stamps to the amount of such double duty, and by writing on the stamp or stamps his signature or some part thereof, or his initials or the proper date of such stamp or stamps, in the manner and for the purpose mentioned in the fourth section of the said Act. 2. This Act shall not apply to any suit pending at the time of the passing thereof.

CONSCIENCE MONEY.—One of our local insurance companies was greatly surprised the other day at receiving a remittance of \$300 from an anonymous source. They had, a short time subsequently, received \$100, supposed to be from the same quarter.

Railways.

GREAT WESTERN RAILWAY.—Traffic for week ending March 17, 1870.

Passengers.....	\$25,872 27
Freight and Live Stock.....	59,493 45
Mails and Sundries.....	1,946 73

Total Receipts for week...	\$87,312 45
Corresponding week, 1870...	70,056 96

Increase.....\$17,255 96

G. T. WELLINGTON STREET BRIDGE MONTREAL.

—It is expected that this new bridge will be completed within a fortnight hence. The piers are already being constructed and the bridge proper will be ready to be laid early next week. It is a wooden one of about 250 feet long, of which the swinging part takes up about 160 feet. The tower to support the bridge when swinging raises to a height of 45 feet, and will present rather an ornamental appearance. The width of the bridge is 29 feet 7 inches through the centre of which the track passes, and on either side is a roadway for vehicles and foot passengers. The height of the truss is 10 feet 6 inches. The bridge will be swung with a steam engine which can be effected in 30 seconds. From all appearances the bridge will be a very strong structure, and every precaution is being taken to ensure its success as a railway and general traffic bridge.

PAPER WHEELS.—A car company is running a car on the Chicago and Northwestern road with what are called "paper wheels." The wheels have steel firs and cast-iron hubs, and the paper is introduced in the way of filling under the tires, for the purpose of deadening sound and diminishing the force of concussion. According to the *National Car Builder* the wheels have been running since July last, under this particular car, and had been in use four months previously. The paper device is said to be superior to wood for the purpose designated, being stronger and lighter, and free from knots, grain or sap. It does not expand or contract, but remains in the condition

in which it is put in the wheels without liability to change. It is cheaper than wood, and can be moulded into any form by pressure, and is made fire and water-proof by asbestos. It is, as a substitute for wood, adapted to a variety of uses, especially in the way of ornamentation.

Commercial.

MONTREAL MARKET.

MONTREAL, April 11, 1871.

As was anticipated last week navigation on the St. Lawrence is now open, about 20 schooners and a small steamer having come up to the harbour on Saturday the 8th inst. With one exception this is the earliest opening of navigation recorded at the Harbour Office; in 1858 the opening is stated to have been on the 4th of April. The water in the river is unusually low. Weather to-day cold and wet.

Last week being Passion week there was comparatively little business done, but now that the holidays are over and navigation fairly open a brisk trade in all departments is looked for. Breadstuffs are in better demand. Ashes firm and higher than last week. Provisions dull. Stocks quiet but firm. Sterling Exchange firm at 110 for bankers' 60 day bills.

ASHES.—Pots.—There has been a very active market for this ash all week at rather advanced rates. Prices have ranged from \$5 95 to \$6 10 for first sorts and closes firm at \$6 05 to \$6 12, according to tares. Very little was done at the lower rates. Seconds in rather small supply and all offering are readily taken up at \$5 30. Thirds \$4 60. Pearls.—There has been an active demand which the supply was unable to meet. Some shipping parcels for immediate export brought \$7 65, and some old lots were taken at \$7 50, at which price the market closes firm. The stocks at present in store are pots, 606 brls; pearls, 97 brls.

BOOTS AND SHOES.—There is no new feature in this branch of business worthy of special notice. Wholesale houses are kept busy supplying orders from the country and also country buyers who are at present in town. There has been no change for sometime past in prices which remain firm and steady.

COALS.—This department of trade has been very quiet, and until the spring business commences no activity is looked for. The following are the yard prices in this city:—Scotch Steam \$5 50 to \$6; Welsh Anthracite \$7 50 to \$7 75; Smiths coal \$6 50 to \$7; American Anthracite \$8 25 to \$8 50; Pictou steam \$5 to \$5 25.

CATTLE.—There was a fine display of prize cattle during the past week for which unusually high prices were obtained. Extra heaves per 100 lbs \$11 to \$12; first class cattle \$8 50 to \$9 50; second ditto \$7 50 to \$8; third ditto \$7. Milch Cows—\$30 to \$50. Hogs have not been in large demand, and the supply has been limited; but prices are steady at \$6 50 to \$7 50. Sheep have been in rather better request and prices are firm. For extra \$8 to \$10 per 100 lbs was paid, and for fair to choice \$5 to \$6. Lambs steady at \$2 50 to \$4.

DRUGS AND CHEMICALS.—There has been a good demand for most kinds during the week, and prices are rather stronger. The following are the quotations of the principal articles:—Cream tartar crystals, 22½c to 23c; ditto ground, 25c to 26c; caustic soda, 3½c to 4c; bleaching powder is still scarce and held for 3½c; alum, \$2 15 to \$2 25; copperas, \$1 to \$1 10; soda ash, 2½c to 2½c; bi carb, \$3 30 to \$3 50; sulphur, \$3 50 to \$4; epsoms, \$2 to \$2 25; sal soda, \$1 50 to \$1 60; saltpetre, \$12, at which price it is held firm.

DRY GOODS.—Wholesale houses are very busy. Large numbers of country buyers are in town making extensive purchases of all classes of goods for spring and summer. It is difficult for us to