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BOSTON, Mass., U.S.A.**DECISIONS IN COMMERCIAL LAW.**

NOVA SCOTIA MARINE INS. COMPANY V. CHURCHILL.—The schooner "Knight Templar," insured by a time policy, sailed from Turk's Island, W.I., bound for Nova Scotia. Having sprung a leak she put back to Turk's Island and was beached. A survey was held and the surveyors recommended that the cargo be taken out to get at the leak. Two days later another survey resulted in finding her leaking six inches per hour, and two days after she was making six inches, and the master was advised, if she could not be hove out, to put in ballast and take her to a port for repairs. She was then taken round to an anchorage, where she remained some weeks, and after being surveyed again was stripped, beached, and sold at auction. The owners first heard of her having been disabled after the sale, and they sent to the underwriters a full account of the whole proceedings. In an action for the insurance tried with a special jury, all the findings were in favor of the assured, one of them being that the schooner could have been repaired if cost were not considered, but it cost much more than she was worth. A verdict was given against the underwriters. Held, affirming the judgment of the Supreme Court of Nova Scotia, that if the vessel could have been repaired, even at a cost far exceeding her value, there was not even a constructive total loss, unless notice of abandonment was given; but held, further, that, as it appeared that instructions could not be received from the owners inside of four weeks, the expense of keeping the schooner safely, the danger of her being driven ashore, and the probability that she would greatly deteriorate in value during the delay, justified the master in selling on his own responsibility, and the sale excused the giving of notice.

BAIN V. ANDERSON.—Action for damages for wrongful dismissal of the plaintiff, who had been in the employment of a certain company as superintendent of its factory. Notwithstanding the statement of the law, found in certain text books and the earlier cases, that where no time is limited, either expressly or by implication, for the duration of a contract of hiring or service, the hiring is considered in point of law a hiring for a year; the more modern cases have modified the law as so stated, and now it is pretty well settled that, at all events as to many kinds of service, there is no inflexible rule that an indefinite hiring is a hiring for a year, but the question is one of fact to be determined according to the circumstances of each particular case, and that, in the absence of anything to qualify it, a jury may properly find as an inference of fact that the hiring is a yearly one. [Semble, it is also a question of fact whether such a contract of hiring is not subject to be put an end to by reasonable notice to be given by either of the parties to it, and as to what in the particular case is reasonable notice. The fact that the employer in this case was an incorporated company did not render it less liable under a contract inferred from the conduct of the parties. At one time the exception to the common law rule as to the liability of corporations upon contracts was very limited, being based upon the principle of convenience almost amounting to necessity, and applied to small matters of daily occurrence. A more liberal rule is applied in modern cases, traceable to the vast increase in the extent, importance and variety of corporate dealings which has taken place in modern times.

—Goderich town council has ordered 200 shade trees to be planted out this spring.

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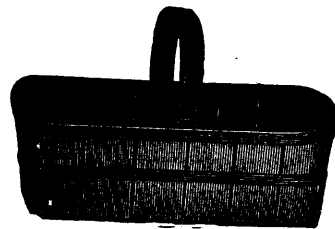
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