DECISIONS IN COMMERCIAL LAW.

DONOGH V. GILLESPIE.—The Court of Appeal decides that bankers are subject to the principles of law governing ordinary agents, and therefore bankers to whom as agents a bill of exchange is forwarded for collection, can receive payment in money only, and cannot bind the principals by setting off the amount of the bill of exchange against a balance by them due to the acceptor.

REID V. BARNES.—In action under the Workmen's Compensation Act and at common law for damages for injuries sustained by the plaintiff while engaged in digging a drain upon the defendant's farm, it did not appear that the plaintiff engaged with the defendant to do any particular work, but that he was first put by the defendant at mason work and then at digging the drain. Held, by the Court of Appeal, that it was a question for the jury whether the hiring of the plaintiff was as a servant in husbandry within the meaning of the amendment to the Workmen's Compensation for Injuries Act, excluding a servant in husbandry from the definition of a workman for the purposes of the Act, and whether the work he was engaged in was in the usual course of his employment as such, and also whether the danger was known to the defendant and unknown to the plaintiff, or the converse.

KENNEDY V. PROTESTANT ORPHANS' HOME.—Where a testator devised and bequeathed all his real and personal estate to his executors and trustees for the purpose of paying a number of pecuniary legacies, some to personal legatees and others to charitable associations, and provided that the residue of his estate should be divided *pro rata* among the legatees, the Court of Queen's Bench held that it was the duty of the executors to deduct the succession duty payable in respect to the pecuniary legatees before paying the balance over to the legatees respectively, and they had no right to pay such succession duty out of the residue left after paying the legacies in full.

BOULTON V. SHEA.—The Algoma Trading Co., one of the appellants and plaintiffs, leased certain crown lands to the respondent Shea, the lease containing a covenant by Shea, not to remove gravel or sand from the premises. Shea afterwards ascertained that no patent for the land had been issued to the company, and applied to the Crown Lands Department for a patent thereof to himself, and also sold gravel off the premises to the Canadian Pacific Railway Co. The plaintiff company then pressed the claim they had previously made to the department, and the Commissioner of Crown Lands ruled that it should issue to them on payment to Shea for his improvements. Shea refusing to agree to any terms of compensation, the company served him with a notice of arbitration, and an award was eventually made which was not taken up, as Shea refused to pay his share of the arbitrator's fees. The company having assigned their patent to the plaintiff Boulton, an action was brought by him and the company against Shea, claiming arrears of rent, payment for use and occupation, damages for breach of the covenant not to remove gravel, and delivery of possession. The Supreme Court of Canada affirmed the decision of the Court of Appeal that the plaintiffs were not in a position to bring the action until Shea had been paid for his improvements.

CANADIAN PACIFIC RAILWAY COMPANY V. CHALIFOUX.—The Supreme Court of Canada held, reversing the judgments of the Superior Court and Court of Queen's Bench for Lower Canada, that where the breaking of a rail is shown to be due to the severity of the climate, and the suddenly great variation of the degrees of temperature, and not to any want of care or skill upon the part of the railway company in the selection, testing, laying and use of such rail, the company is not liable in damages to a passenger injured by the derailment of a train through the breaking of such rail.

CANADIAN INSCRIBED STOCK.

An article on this subject appears in the London *Economist*, of July 14th. It appears that the Government of Canada applied, that week, to the Stock Exchange authorities in London, for the appointment of a settling day for an issue of £1,513,100 of Canadian three per cent. inscribed stock, which was taken up privately. We learn from the journal quoted, that inasmuch as the application conveyed to the market the first intimation that such an issue had been made, the action of the Government gave rise to some adverse comments. "It is true that, once at least before, the Canadian Government made a private allotment of stock; but the comparative largeness of the issue recently made has drawn attention to what, in some quarters, is regarded as a departure from sound principle."

"Without taking up that attitude," says the *Economist*, "or joining in the suggestion that the Stock Exchange should refuse the settling day asked for, we would point out why, in our opinion, private issues of this kind are undesirable. In the first place, the chances are that the borrowing Government, by inviting public tenders and by bringing into play the competition of those who have money to invest, would be able to raise its loan upon more advantageous terms than by allotting it to a few private tenderers. Against this it may be said that there is the standard provided by the current quotation of the inscribed stock, and that it is to be assumed the Canadian Government has not accepted a lower price than that. But, in the second place, it is never wise to disturb a market by permitting a feeling of nervousness to spread lest the indebtedness of a colony may be secretly growing at a greater rate than appears on the surface."

THE ENGLISH GRAIN CROP.

A summary is made by the London *Times* of July 11th of crop reports from correspondents in all parts of Great Britain. From this summary it is learned that the average will compare favorably with that of the same period for the two previous years.

As to the cereal crops, the average condition for Great Britain as a whole works out above 100 for wheat, barley, and oats alike. More than nine-tenths of the wheat area of Great Britain is found in England alone, and in this section of the kingdom the condition of the wheat crop last week was as high as 102. In the eastern counties of England in which the cultivation of wheat reaches its maximum, we see such numbers as the following: Bedford, 103.5; Cambridge, 100.5; Essex, 105.5; Hertford, 103; Huntingdon, 107; Lincoln, 100.5; Norfolk, 98; Suffolk, 97. Excepting the last two all these are above average; in the two extreme eastern counties the wheat plant suffered much from the May frosts.

Peas are almost exclusively an English crop, and the condition for England works out at 102, the extremes being 120 in Notts and Stafford, and 88 in Wilts and 87 in Bucks.

In the case of hops the condition is denoted by 83, or 17 points below the normal; wireworm and cold winds kept the crop back in Kent; while in Herefordshire, the hops are short, much blighted and irregular in growth.