DECISIONS IN COMMERCIAL LAW

KLOCK ET AL. V. LINDSAY.—Messrs. Klock & Company leased a saw-mill from the said Lindsay, and among other terms of the lease, it was agreed that they were "to return the mill to the lessor at the close of the season in as good order as could be expected, considering wear and tear of the mill and machinery." During the occupation of Messrs. Klock & Company, a fire occurred, which totally destroyed the mill. The lessor, as a consequence, brought an action against them for damages. The lessees, in defence, adduced evidence to show that usual precaution had been taken for the safety of the premises, in the shape of buckets, force pumps, and the like, and further claimed that the origin of the fire was mysterious and unknown. It was held by the Supreme Court "that the lessee had not shown any lawful justification for their failure to return the mill according to the terms of the covenant; that the presumption established by article 1,629 of the Civil Code against the lessees had not been rebutted, and that the evidence showed culpable negligence on the part of the lessees, which rendered them civilly responsible for the loss by fire of the leased premises."

MCINTYRE V. SILCOX.—A parent insured his life for the benefit of six of his children in equal shares. Three of them dying without issue he made a new will altering the shares of the three survivors, gave a portion to another child and portions to four grandchildren. The old policies of insurance were cancelled, and new ones issued, payable "to the executors in trust" after his death. It was held that the portions given to the four children were valid, but those to the grandchildren were not valid, as against the rights of creditors.

MALCOLM V. PERTH MUTUAL FIRE INSURANCE COMPANY.—The plaintiff was arrested on an information laid by the company, charging him with setting fire to his building, upon which they had an insurance. He was tried and acquitted. The jury found that the company's officers believed the charge true, but that such belief was not reasonable, and that in making the charge they were actuated by other and improper motives. It was held, on account of the first finding, that the defendants acted on their honest belief. Absence of reasonable and proper cause could not be held to have been shown, simply because further inquiries might have been made, and that the question of malice was of no importance.

—A government report says that immigrants to the United States, in 1897, numbered 222,399, an even smaller number than in 1894, when the effect of the panic was so marked. In 1892 the number was 547,060; it was 495,030 in 1893; 250,313 in 1894; 324,330 in 1895, and 301,087 in 1896. From the United Kingdom there came 107,610 in 1892, and in 1887, only 39,771. From Germany the falling off was more pronounced, being from 118,400 in 1892, to 18,785 in 1897.