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DECISIONS IN COMMERCIAL LAW.

DAVIDSON V. COCHRANE.—Mrs. Cochrane kept a savings bank account, and desiring to transfer it to her son, wrote in her pass-book an assignment of the money in his favor. She notified neither the son nor the bank of this action, but left the book with a third party to be handed to the son on attaining his majority. Held, that the assignment was incomplete and the money remained the property of the mother. In cases of alleged gift, the test is whether everything has been done that is required in law to be done to transfer the property. If not, the gift is incomplete, the property is still in the alleged donor, and the court will not assist or volunteer to complete what is lacking.

MACDONALD V. LAKE SIMCOE ICE CO.—The cutting of a channel through ice formed on a water lot in a harbor to enable ice cut outside of such water lot to be conveyed to the ice house of the defendant company situated on the shore of the harbor, is a use of the said water lot for the purposes of navigation. The owner of such water lot, whose grant was subject to the rights of navigation, cannot interfere with such user.

MAIL PRINTING COMPANY V. CLARKSON.—An advertising contract made between Messrs. Samson, Kennedy & Co. and the Mail Printing Company gave the advertisers, in consideration of the sum of \$1,000, the right to use certain advertising space in newspapers owned by the Mail Company, at any time within twelve months. The advertisers agreed to pay at the end of each month for the space used in that month, and at the expiration of twelve months, whether the space had been used or not, to pay \$1,000, less such sums as might have in the meantime been paid. Before having used any space according to the contract, and before the expiration of the twelve months, Messrs. Samson, Kennedy & Co. made an assignment for the benefit of creditors pursuant to R.S.O., cap. 124. Held, reversing the judgment of Boyd, C. that the \$1,000 would not necessarily become due by effluxion of time, and that the newspaper could not rank on the estate. Thus, where an estate is being administered under the Assignment and Preferences Act, R.S.O., cap. 124, claims depending upon a contingency cannot rank, but only debts strictly so called.

ANDREW V. CANADIAN MUTUAL LOAN CO.—The company held a sum of money as deposit to the credit of the plaintiff. In an action to recover this it was shown that the whole amount had been paid into court and to the creditors of another person of the same name under garnishee judgments in a Division Court without any knowledge of the mistake being made. Held, that this did not protect the defendants, and that sec. 195 R.S.O., 1887, c. 51, only protects a garnishee against being called upon by a primary debtor to pay over again and does not protect him against any third person.

AT Rat Portage, Ont., on Friday of last week, the ferry boats were running and navigation was expected to be open by 2nd May. Tenders were in for the waterworks system, but who has the contract was not made public. Plans are made for a three-story Government building for Rat Portage. A "big mining deal" is mentioned, which is to have an important effect upon the mining affairs of 1898, but the Free Press correspondent mysteriously says he is not allowed to mention any particulars for publication.

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and Trustee

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