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## DECISIONS IN COMMERCIAL LAW.

MCGREGOR V. KERR.—The Nova Scotia Act for the prevention of frauds on creditors by secret bills of sale, enacts that every hiring, lease, or agreement for the sale of goods and chattels, accompanied by an immediate delivery, and followed by an actual and continued change of possession, whereby it is agreed that the property in the goods and chattels . . . shall remain in the hirer, lessor, or bargainor, until the payment in full of such price . . . shall be in writing . . . and . . . shall be accompanied by the affidavit of either of the parties . . . stating that the writing truly sets forth the agreement between the parties thereto . . . and such agreement and affidavit shall be registered . . . otherwise the claim, lien, charge or property intended to be secured to the hirer, lessor, or bargainor, shall be null and void, and of no effect as against the creditors, and subsequent purchasers and mortgagees of the person to whom such goods and chattels are hired, leased, or agreed to be sold. Plaintiffs, doing business at Galt, Ont., shipped certain machinery to M. for his factory, at Hopewell, N.S., under an agreement in writing, executed at Hopewell, that the title to the machinery was to remain in plaintiffs until the whole of the price thereof was paid. M. afterwards executed an assignment to defendant for the benefit of his creditors. The Supreme Court of Nova Scotia decided that the words of the section quoted are not applicable to a contract made and executed outside the Province in relation to property situated at the time where the contract is made, but afterwards brought into the Province.

GRAND RULE ALLIANCE V. BANK OF BRITISH NORTH AMERICA.—The plaintiffs were a life insurance company incorporated under the laws of Massachusetts. They had an agency at the City of St. John, but were not licensed to carry on business in Canada, as required by the Dominion Insurance Act. The company issued a policy on the life of W. H. Reid, a resident of New Brunswick, payable to his wife, Mary A. Reid, for \$2,500. On his death the company sent to their St. John agent a receipt of the payment of the loss to be signed by the beneficiary, and the following draft:—

"\$2,500. Boston, Mass., June, 1890.

"To W. H. Hoyt, Esq., Treasurer-in-Chief, G.R.A.:

"You will please pay to Mary A. Reid the sum of two thousand five hundred dollars. She is the beneficiary named in a benefit certificate, 3,205, issued to W. H. Reid, of Hillsboro, N.B. Proof of the death of the said W. H. Reid is on file at this office.

"JOHN S. BAMELL, President."

Endorsed on the draft was a receipt to be signed by Mary A. Reid.

The receipt and draft, with the signature of Mary A. Reid attested to by the St. John agent of the insurance company, were negotiated with the Bank of British North America, and by it presented to the company for payment. The company paid the draft to the bank, who paid the money to the St. John agent of the insurance company under an order purporting to be signed by Mary A. Reid. The signatures in all cases were forged, and the insurance company brought an action against the bank to recover the amount of the draft. The Insurance Act provides that no company shall maintain any suit relating to insurance without first obtaining a license to carry on business in Canada. The Supreme Court of New Brunswick decided that as the money was paid by the insurance company in connection with business done contrary to the Act, the company could not recover.

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