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## DECISIONS IN COMMERCIAL LAW.

DALE V. WESTON LODGE I.O.O.F.—Appeal by defendants from judgment in favor of plaintiffs in action by administratrix of estate of George Dale, deceased, to recover \$274 for sick benefits and funeral benefits alleged to be due on account of deceased's membership of defendants, and also \$250 benefit to widow and orphans. Counsel contended that a member of a fraternal organization such as defendants must exhaust the tribunals of the Order before resorting to courts of law; that the trial judge erred in finding deceased was a member in "good standing" within the rules of the Order at the time of application for sick benefits, because he was nine months in arrears for dues. Held by the Court of Appeal that the plaintiff could not recover for sick benefit because it was adjudicated upon in the husband's lifetime, and the adjudication assented to by him; but the husband was in good standing at the time of his death, and the funeral benefit and widow and orphans' benefit should stand. Judgment varied by striking out the recovery for sick benefit, and reduced accordingly.

BURNS V. CHEYNE.—Appeal by plaintiffs from judgment dismissing the action without costs. The action was brought to have it declared that a certain chattel mortgage made by defendant Cheyne to defendant Wilson was made with intent to defeat and delay the plaintiff and the other creditors of defendant Cheyne, and to give a preference to defendants the W. E. Sanford Manufacturing Company. The defendant Cheyne executed a chattel mortgage on all the stock-in-trade in her store in Toronto, to secure \$4,775, which money the defendant Wilson advanced on the mortgage, and it was then handed to defendant company who gave a bond indemnifying Wilson against loss in respect of the advance. The Court of Appeal for Ontario affirmed the judgment of the court below.

BEATY V. GREGORY.—Appeal by plaintiff from judgment dismissing the action in so far as the plaintiff claimed payment from defendants personally of the amount of a mortgage. The lands comprised in the mortgage were sold by plaintiff and conveyed to the defendants as trustees of the Parkdale Baptist Church as a site for a church, and the mortgage was made for the purpose of securing the purchase money. In the mortgage deed the defendants were stated to be "trustees under R.S.O., 1887, ch. 37," of the designated church, and it was executed by the defendants individually with their own seals, there being no corporate seal. The learned trial judge held that defendants were not personally liable, the plaintiff having dealt with them, and they having assumed to act as a quasi-corporation. Held by the Court of Appeal that the action as against the individuals fails, and that the covenant is a corporate covenant.

AN account was given a few days ago by the Smith's Falls Record of twenty-two French-Canadian families, who had sold their possessions in Michigan and passed through that town on the railway on their way as immigrants to the Lake St. John district in the Province of Quebec. They numbered 180 persons, and had with them about \$120,000 worth of settlers' effects, which filled five cars. Many had dogs in a special baggage car, to be used in hunting, also bear traps and other devices for trapping animals. This is the sort of repatriation one likes to chronic e.

DAVID A. PENDER,

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