

thereby avoided. A "change in the nature of the occupation" does not, we think, point at a mere temporary cessor of the occupation, but rather to an application of the premises insured to a purpose different from that described in the application. If the underwriters desire to guard themselves against loss on unoccupied buildings, or to make continued residence a condition precedent to the right of recovery, in the case of a building described as a dwelling-house occupied by a tenant, we think they must use express language to meet the case.

This Court, in *Hobson v. The Western District Mutual Fire Insurance Company* (6 U. C. R. 536), under a plea setting out a provision that where there was a change of occupation the policy should be approved by the company, and averring that the plaintiff, though the occupier when the insurance was effected, was not so at the time of the fire, but that A. B. was, and that fact was not communicated to defendants, held "that a mere change of occupant, without other alteration in the manner or purpose of occupation," was not within the provision.

Mr. Boulton urged that, at all events, this objection would lie under the words "or in any other manner whatsoever." It seems to us, however, that as the alleged avoidance of the policy is stated to be the ceasing of the fact of occupation, then if such ceasing do not properly fall within the legal meaning of the condition, the general words cannot help them.

In any event, we think the whole condition rests in the words "by which the degree of risk is increased, and a consequent additional premium would be required," and that it must be left to the jury to say if the risk be increased, otherwise we would have to construe the clause as a warranty that no change should take place whether the risk be thereby increased or not; or, in the amusing illustration of the late Chief Baron Pollock, if premises in which fireworks were made and there was a provision that no alteration should be made without notice, but afterwards the premises were converted into an ice-house, would that vitiate the policy?—*Stokes v. Cox*, (1 H. & N. 332).

In the late decision of the Common Pleas in *Todd v. Liverpool and London Insurance Company* (1 H. & N. 533), on a condition almost identical in its language with this, shows that "as alterations generally are not prohibited, but only such as did increase the risk, and as no increase of risk was found, the defendants must fail on that part of their rule." The facts there were far stronger against the plaintiff than here, as an elevator was put in without notice after effecting the policy, and the underwriter's agent who effected the insurance swore that a higher rate of insurance would be required for a building in which such an elevator might be placed, according to the company's tariff.

We refer to *Stoke v. Cox*, in error, (1 H. & N. 533), and to *Baxendale v. Harvey* (4 H. & N. 455), which show the strictness with which these conditions are construed, and that the question of increase of risk is to be submitted to the jury. In the latter case Martin B. says, "*Stokes v. Cox* is an authority that, if the insurers wish to make it a condition precedent to the validity of the policy that there shall be no alteration in the circumstances, whether the risk is increased or not, they must do so in distinct terms."—*Gould v. British Am. Ass. Co.*, 27 Q. B., 480.

Commercial.

Toronto Market.

DRY GOODS.—Business has been very quiet since the opening of the year. This is, of course, natural at this season, but the absence of new, and the consequent delay in getting grain and other farm produce to market, has restricted the sales of country merchants, and rather disappointed the anticipations of those in the trade.

This, however, may only be temporary, as the present mild, dry weather cannot be expected to last. In fact, during the last few days, snow has fallen in some localities, and business is becoming more active. The total imports of Dry Goods at the port of New York for the past year amounted to \$80,905,834, against \$88,582,411 for the previous year, and \$126,222,858 for 1866—a decrease of above \$46,000,000 on 1866, and \$8,000,000 on the imports of 1867. The decrease was principally on woolen goods, while on silk there was an increase.

GRAIN.—Wheat—Receipts by cars 17,000 bush. and 7,400 bush. last week. The market is very quiet; receipts at the different railway stations have been light owing to the want of sleighing. There is a small demand for Spring at \$1.03, and sales of cars occurred during the week at \$1.03 to \$1.04. There is a slow demand for prime samples of Fall; common and inferior dull of sale; the very finest samples of white are held for an advance on our quotations. Barley—Receipts 1,950 bush. and 1,300 bush. last week; the brewers are taking all that offers at \$1.28 to \$1.30 on the track, and \$1.30 to \$1.32 delivered. Peas—Receipts continue very small, and the market is nominal as quoted. Oats—Receipts 6,800 bush. and 6,700 last week. The market is quiet and steady at 52c. to 53c., with some business doing at these prices. Rye—Nominal. Seeds—There is a small speculative demand for Timothy at \$2 to \$2.50, and \$2.75 for No. 1; Clover, \$6.25 to \$6.50; flax, \$1.70 to \$2.

FLOUR.—Receipts 2,500 bbls., and 3,350 bbls. last week. The market is dull at quotations; demand light and little doing. Two or three lots sold at \$4.55, which is about the value of good brands of No. 1 superfine. A lot of Spring Wheat extra sold at \$4.65. Extra, nominal as quoted. Nothing doing in other grades.

PROVISIONS.—Dressed Hogs—The market is active at quotations; car loads of heavy averaging 240 lbs. sell at \$9.50 to \$9.80. Pork—Mess firm and higher as quoted; Prime Mess held at \$22, and English prime mess at \$20. Bacon—Sales Canadian cut occurred at 9½c. to 9¼c.; Cumberland cut 10½c. to 10¼c. Butter—Quiet and unchanged. Eggs—Dull at 16c.

FREIGHTS.—Rates by Grand Trunk Railway:—Flour to all stations from Belleville to Lynn, inclusive, 35c.; grain per 100 lbs. 18c.; flour to Brockville and Cornwall, inclusive, 43c. grain 22c. flour to Montreal 50c. grain 25c.; flour to all stations between Island Pond and Portland, inclusive, 85c. grain 43c.; flour to Boston \$1.15 U.S. currency; flour to Halifax \$1.05, grain 00c.; flour to St. John 95c. Boxed Meats to Liverpool per gross ton 82s. 6d.; lard or butter in tins 87s. 6d.; Pork 11s. per tierce; flour 5s. 6d. per barrel; grain 12s. per 480 pounds. Rates by Great Western Railway—Flour, Toronto to Suspension Bridge 25c. gold; thence to New York, 76c. U.S. currency per bbl.; to Boston 86c.—Rates from Toronto to Liverpool, London and Glasgow are—Beef, Bacon, Pork, Hams, Lard and Tallow, in lots of one car load and upwards, \$1.52 gold, per 100 lbs. Grain, in bags of 5 car loads and upwards, 96c., do. Flour, \$1.62 per bbl. do.

Produce in New York.

The following are the stocks in store in New York on the dates mentioned:

	Jan. 18.	Jan. 11.	Jan. 20.
Wheat.....bu	1,869.	1,869.	1,868.
Corn.....bu	3,152,461	3,524,172	1,548,361
Oats.....bu	1,472,266	1,508,233	1,461,721
Barley.....bu	2,734,884	2,864,354	2,318,725
Rye.....bu	294,265	336,001	143,596
Peas.....bu	246,553	263,260	189,330
Beans.....bu	62,425	64,645	3,320
Malt.....bu	65,000	54,740	4,816
Total.....	8,025,854	8,515,405	5,713,876

—The agency of the Royal Canadian Bank at Ottawa has been closed.

Produce in Montreal.

The following is a statement of flour and grain in store and in hands of millers:

	Jan. 15,	Jan. 1,	Jan. 15,
	1869.	1869.	1868.
Wheat, bu.....	118,847	136,097	116,254
Corn, bu.....	41,000	50,000	72,860
Pease, bu.....	2,100	100	4,450
Oats, bu.....	71,708	75,290	10,700
Barley, bu.....	14,320	17,120	490
Flour, bbls.....	69,724	64,457	70,042
Rye flour, bbls.....	1
Oatmeal, bbls.....	500	550	195
Cornmeal, bbls.....	300	300	100

St. John Market.

BREADSTUFFS—Jan. 12.—Dullness continues in the flour trade, and prices are a trifle lower. Demand is light, and arrivals keep the stock without diminution. We quote superfine at \$5.90, and choice brands 10 to 20c. higher. The competition to effect sales causes much irregularity in prices, and it is difficult for our quotations to show the exact state of the market. Dealers say they are not getting the cost of their goods. It is pretty certain that the whole trade in breadstuffs is in an unsatisfactory condition, nearly all markets being overstocked, and flour selling at a loss. Cornmeal \$4.50.

The following is a statement of the quantity of flour and cornmeal imported into St. John in the year 1868, during which period there were also imported six cargoes of corn, containing 43,347 bushels:

CANADIAN FLOUR VIA PORTLAND.

January.....	5,522
February.....	9,175
March.....	7,732
April.....	13,709
May.....	13,970
June.....	23,047
July.....	5,600
August.....	6,430
September.....	7,229
October.....	39,771
November.....	25,305
December.....	10,161
By railway, about.....	167,651
Total Canadian.....	177,651
American flour.....	38,050
Total flour (barrels).....	215,701
Cornmeal (including 3,315 bags reduced to barrels).....	32,275

Halifax Market.

BREADSTUFFS—Jan. 19.—We note no quotable change during the past week, the absence of any speculative feeling continues, buyers still holding off with a view to lower prices.

The stocks at Sictou and the vicinity are still large, thus preventing any outlet in that direction, and greatly restricting demand for home consumption. Our receipts are fully equal to demand. We quote:—

White Wheat extra (fall) \$7 25 to \$7 50. Pancy \$6 60 to \$6 75. Bakers' Strong, \$6 40 to \$6 50. Supers \$6 25. No. 2 \$5 to \$5 50. Middlings \$4 75 to \$5. Pollard's \$4 25 to \$4 50. Rye \$5 to \$5 25. Oatmeal \$7 75. Cornmeal, K. D., \$4 50. F. G. \$4 25. White Beans \$3 25 to \$3 50.

WEST INDIA PRODUCE.—Sugar and Molasses continue unchanged. Stock of latter, principally Cienfuegos, and not suitable for retailing. A mixed lot of Trinidad offering at 30c. Dealers anticipate early arrival of new crop, till then no transactions of any moment are likely to be made. Rum is decidedly lower, several cargoes are hourly expected. We quote: Sugar, V. P. 9 c. Port Rico 8½ to 8¼. Cuba 7½ to 7c. Molasses Cienfuegos 5 to 30c. Trinidad 10 to 33c. Europa—Demerara—(in bond) at 60c. Coffee—small—13 to 15c. St. Domingo 10 to 12c.