

## RECENT LEGAL DECISIONS.

**V. ACADEMY OF MUSIC.**—The Quebec Court of Queen's Bench has just given judgment against the manager of the Academy of Music in Montreal, which will likely be followed by more actions of a similar nature, prompted by the desire of the theatre-going public of that city to put an end to certain abuses. The manager advertised Albani, the noted singer, for a certain date at his theatre, and also Madame Scalchi as another attraction on the same date. He afterwards learned that Scalchi could not sing, but kept the information to himself and concealed it, taking no steps to acquaint the public with the fact. The plaintiff bought a ticket for the concert, attended the theatre, but heard not Scalchi, whereupon he brought action for the price of his ticket, and got a verdict in his favor with costs. The learned judge expressed himself very strongly on the deception practiced by theatrical and other managers on the public, and many actions against the academy manager are to ensue.

**IN RE NORTH AUSTRALIAN TERRITORY Co.**—A decision of the English Court of Appeal seems to carry further than any previous decision the law against directors making secret profit. A. was applied to by the promoter of a company to become a director, and the promoter made a secret agreement with him to take the shares it was necessary for him to purchase in order to qualify himself as a director, at the same price which A. should pay for them. A. bought fifty shares with his own money and became a director. The company subsequently became insolvent and the shares worthless. A. retired, and the promoter took over the shares at the price he had paid for them. The liquidators of the company now claimed to recover from A. the amount he had thus received for his shares, as being a secret profit made by him to which the company was entitled, and the Court of Appeal considered they were so entitled and gave judgment accordingly.

**CUMBERLAND UNION BANKING Co. v. MARYPORT.**—A limited company who were lessees of a colliery gave a mortgage on their property to the C. Co. covering all fixtures then "or thereafter to be placed" on the mortgaged lands. After giving the mortgage the company contracted for the erection of some additional machinery on the premises, which contract was subject to a stipulation that the machinery should continue to be the property of the vendors until paid for. On a contest between the C. Co. and the vendors, who were unpaid, as to this machinery, it was held by the English Court of Chancery that the vendors were entitled to remove it, and the company could not confer any better title to it on the C. Co. than they had themselves.

**Re LLOYD EDWARDS.**—A case relating to interest on tradesmen's accounts of which the *Law Quarterly Review* says: In these days of cash *versus* credit it is not uncommon for tradesmen to append to an account rendered, a note to the effect that interest will be charged after twelve months' credit. A notice of this kind came before the court in the above case, and it was argued that "not objecting to a charge of interest amounts to a promise to pay"—an alarming proposition, whether the silence which gives consent relates to a tradesman charging interest, an alleged promise to marry, or a railway company's warning that it is going to transfer your stock.

Adopted as a legal maxim it would, as Lord Esher said, "make life unbearable." Even Lord Justice Boman's limitation of the proposition to circumstances rendering it more reasonably probable than not that a man would answer, seems a somewhat dangerous dictum; for the true inference to be drawn from silence depends upon a variety of special circumstances too complex to admit of any rule. The reasonableness of a proposed term like that of paying interest is an element, but only an element, of evidence.

## THE CITY OF WINDSOR.

On the anniversary of Queen Victoria's birthday, May 24th last, celebration was made by military parade and general procession, of the enrolment of Windsor, Ontario, among Canadian cities. The place has an interesting history, a very readable summary of which is given in a special issue of the *Windsor Record*, which devotes many columns and a number of illustrations to describing the steady progress and the existing features of the new city. The first white man to set foot on the present site, early in the seventeenth century, was Samuel de Champlain, the great French navigator and explorer. At that time Detroit was an Iroquois village of some importance. Marquette and La Salle afterwards reached the Mississippi, and the domain of France in the New World was extended by right of discovery from Lake Superior to the Gulf of Mexico.

Two hundred years ago Detroit was made a military and trading post, and in the first year of the eighteenth century La Motte Cadillac took command of it for France. The River Detroit was not then, as now, the dividing stream between two different countries, for Michigan and the contiguous States as well as Canada appertained to France. Both sides of what are known to-day as the Detroit and St. Clair frontiers were settled by French people before 1744, at which date L'Assomption was a well established mission. Among the names of the first settlers who drew their lands from the French crown—and subdivided them after the French fashion of lots, 200 arpents (180 acres) long and two arpents wide, "length without breadth"—were Baby, Dumonchelle, Goyeau, Janisse, Langlois, Marentette, Melloche, Ouillette, names honorably perpetuated on the ancestral acres at the present day. L'Assomption became, when Upper Canada was made a separate province under English rule, the Township of Sandwich.

Up to 1835 Windsor was known as South Detroit, the name being given it, we are told, by a bachelor named McDougall, who came from Toronto early in the present century. The place being headquarters for the North-West Fur Company, a great trade in furs centered there. The omnipresent Scotchman saw in it a good point for business, and in 1829 a branch of the Montreal firm of Dougall Brothers, general merchants and Paisley folk, opened a branch house under the charge of James Dougall, who gave the village its present name, and who, for sixty years, was merchant, magistrate, nurseryman, mayor, editor, and left the memory of a public-spirited citizen and a good man.

Up to the year of Confederation, 1867, the population of Windsor had not exceeded 3,600, and its assessment valuation a million dollars. In eight years thereafter it had added only a thousand to its residents, and material growth was slow. But by 1884 the population had grown to 7,000, and the assessment was \$2,193,000. Since then progress has been

more rapid: the *Record* states the population in 1891 at 10,416, the assessable property at \$5,120,000 in value, and the area at 2,300 acres. Three great railways converge within her boundaries, the Grand Trunk, the Canadian Pacific, and the Canada Southern, and she has besides a railway connecting her with the Lake Erie shore of the famous grain and fruit-growing Essex, a county "whose character of soil and climate renders almost its entire area [a million acres] as fertile as the Valley of the Nile."

The situation of the city, on the busiest and stateliest of navigable straits, overlooking its ever-moving panorama of commerce, opposite the great city of Detroit, is admirable. It has some good public buildings, and most attractive residential streets. Its manufacturing interests are growing; it has an electric railway to Walkerville, that bustling little town of such recent growth, owns an electric light plant and excellent waterworks, and is in various respects a community that honorably represents the county in which it stands and that does credit to the Province of Ontario.

## THE SOUTHERN STATES AT BUFFALO.

It is intended to show the products of the Southern States at Buffalo, August 17th to 27th, in order to demonstrate in some degree the strides in development made by the Southern section of the Union for the past few years. Expositions have been held at New Orleans, La., Atlanta and Augusta, Ga., Richmond, Va., and Raleigh, N.C. This year the exhibition will be made at Buffalo, N.Y., selected on account of its nearness to the Canadian line. The display of Southern products will be under the charge of Hon. Jno. T. Patrick, Secretary to the Executive Board of the Southern Interstate Immigration Bureau, and will be made in combination with the Buffalo Exposition. Thus there will be a grand display of the products of the South as well as of the North, and the Southern feature will embrace many things not heretofore seen by the Northern people.

Among these will be growing cotton; a small patch of the growing plant will represent the way the cotton is planted, grown and gathered; the cotton gin will be shown in full operation daily, which is something that not one person out of a thousand has ever seen; an old-fashioned spinning-wheel; old colored women spinning and carding the cotton into "rolls" to be used by the spinner; an old Southern cotton loom for weaving "home spun cloth."

Sections of the trunks of huge turpentine trees; a turpentine still, making from the crude gum spirits of turpentine and rosin; a tar kiln will be shown in operation. The exhibits of wild game and animals, alligators and birds from the jungles of Florida, Louisiana and Texas will be a very interesting sight.

One of the special features will be the display showing the advancement of the Negro race during the first twenty-five years of freedom. This special feature will be under the direction of Dr. J. C. Price, D. D., a genuine African, no mixed blood. Forty or more plantation negroes will accompany the Southern exhibit, and their songs and representation of old time plantation life will be worth going a long journey to see.

—A half yearly dividend of three and a half per cent. has been declared by the Canada Landed and National Investment Co., Ltd. One of the same amount is also announced by the British Canadian Loan Co.