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DECISIONS IN COMMERCIAL LAW.

LEGATT V. BROWN.—This case involves the question of a contract with illegal consideration. The manager of a firm was arrested on the charge of having secured a transfer of certain property from the firm while insolvent to another person with the object of defrauding the creditors. Released on bail, an offer was made in writing by his wife and her son, to the creditors of the firm, to pay a certain percentage of their claims, in addition to the dividend to be paid by the estate of the firm, and to withdraw certain actions and procure the abandonment of certain claims, upon certain conditions set out in the offer, one of which was that any creditor accepting the offer, should not thereafter, directly or indirectly, institute or be a party to any action or proceeding against the husband in respect of any matter or thing in any wise connected with the affairs or business of the firm. This offer was accepted by the plaintiff and a number of the other creditors. After it was made, the husband was discharged from custody, the informant, one of the creditors, not appearing, and no evidence being offered in support of the charge. Promissory notes were afterwards made by the wife and her son in favor of the creditors for the stipulated percentage. The notes were held by this action, which was an attempt to secure payment of some of them, not enforceable, on the ground that one object of the defendants in making their offer was to procure the stifling of the prosecution of the charge made against the husband; that it was in accordance with the concluded agreement made by the defendants with the plaintiff and the other creditors, that no evidence was offered on the pending charge, which was consequently dismissed.—Reported Canada Law Journal, July.

DANIELS V. DANIELS.—In Ontario a chattel mortgage does not cease to be valid as against creditors and other claimants because a renewal statement, made and verified by the mortgagee before an assignment by him of the mortgage, is not filed until after such assignment, if the mortgage is otherwise regularly renewed.

DURHAM V. ST. CROIX SOAP CO.—This case resulted from a guessing contest. At the St. John, N.B., Fair, a soap company offered a "\$800 Heintzman piano" to the person who made the best guess as to the weight of a cake which was on view to the public. The judges, passing over the plaintiff's guess, which was nearest, decided to sell the piano at auction and divide the proceeds between three other persons who had all agreed in naming the cake of a certain weight. The piano brought \$300 at auction. The plaintiff then sued the company on the ground that her guess was the nearest and consequently she was entitled to the money. She recovered \$300 as damages, the amount of the auction price. Evidence was offered as to the value of the piano in the advertisement that the piano was "an \$800 Heintzman piano," but the court evidently believed the representative of the company when he said this was only the company's statement as to what they considered the piano worth, and the right guesser could not reasonably expect cash to this amount.

A. R. DIONNE, until recently a butcher of Fraserville, Que., but who lately felt the ambition to establish himself as a general merchant, is reported as assigned, with liabilities likely to foot up some \$10,000.

JOHN MACKAY

Public Accountant, Auditor, Receiver and Trustee

Bank of Commerce Bldg., Toronto
Cable Address: CAPITAL. Tel. No. 2732.

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DEPARTMENT OF THE

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W. Barclay Stephens,

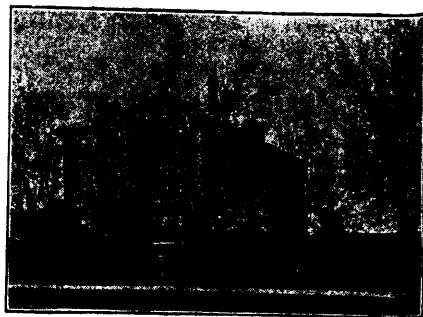
Manager of the Company.

Under the laws of the Province of Quebec the Company cannot be appointed directly to trusts, such as assignees, etc. Therefore, Mr. Stephens will act on behalf of the Company in all such cases, the Company assuming all responsibility and reliability in regard to any trusts which may be placed in his hands.

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