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## The Monetary Times

of July 1st, 1898, issue will complete the thirty-first year of its existence. The Monetary Times is the oldest trade journal in the Dominion, and it has more subscribers and a greater constituency than any other Canadian publication.

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## DECISIONS IN COMMERCIAL LAW.

**QUEEN V. HAMMOND.**—On a charge of wife murder the Crown sought to prove that the prisoner, Hammond, had been with evil design accumulating insurance on his wife's life. It was held that evidence of various applications for insurance, though in some cases resulting in rejection of the risk, was admissible, all being made practically at the same time and forming a part of one transaction.

**CINCINNATI, NEW ORLEANS AND TEXAS PACIFIC R. R. CO. V. WEBB.**—The Kentucky Court of Appeals held that where a railroad company by its agent contracted to receive cattle for shipment at a given time, but by reason of delay in forwarding the cattle were damaged to the definite loss of the shipper and owner, the company could not plead a drouth existing at the time and long prior to the making of such contract, resulting in a diminution of its water supply for the running of its engines, as an act of God in the sense of being sufficient to bar recovery.

**EWING V. THE CORPORATION OF THE CITY OF TORONTO.**—The plaintiff sued to recover damages for injuries sustained through alleged negligence of the defendants in allowing a sidewalk to be so out of repair as to be unsafe for the use of pedestrians. The case is of special importance to merchants and manufacturers, in that the complaint was that the hinges of an iron trap over eight feet in length were so affixed as to rise from an inch to an inch and one-sixteenth above the level of the sidewalk. The door was a double one, and used for the purpose of access to the cellar of abutting premises. The plaintiff, who was well aware of the existence of the hinges, stumbled against them and injured himself. It was held that the facts did not render the corporation liable for damages.

## DUN'S BULLETIN IS A NEWSPAPER.

A point worthy of note with respect to actions for libel against newspapers was last Friday decided by Mr. Justice Rose, in the suit of Slattery & Lawrence vs. R. G. Dun & Co. In that matter action was brought by Slattery against the proprietors of Dun's Bulletin for libel, based upon an item which appeared in the Record Items of the "Daily Bulletin" in February last. R. G. Dun & Co. defended the action on several grounds, claiming also in defence that notice of action had not been served upon them before the suit was begun, as required by the Libel Act in the case of newspapers. And they moved for security for costs. This motion was argued before the local Master, who refused the security, holding that the "Daily Bulletin" was not a newspaper within the meaning of the Libel Act. From this decision the defendants appealed, with the result that Mr. Justice Rose gave judgment, reversing the decision of the Master at Ottawa, holding that the "Bulletin" is a newspaper, and thus entitled to notice of action before a suit for libel could be brought against it, and ordering security for costs.

## WHAT IS PEDDLING?

**QUEEN V. PHILLIPS.**—The defendant, one Phillips, was convicted at Sackville, N.B., for peddling without a license. He opened a place of business for the sale of sewing machines and then drove around the town with a machine in his wagon. It was given in evidence that he had sold or offered to sell at least one machine. The Supreme Court of the province held that this action did not constitute peddling within the meaning of the Act. A peddler was held to be one who goes about selling small wares, and further held that the Act did not apply to this kind of business.

## JOHN MACKAY

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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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