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References: The Canadian Bank of Commerce.
The Union Bank of Canada.

DECISIONS IN COMMERCIAL LAW.

KERVIN V. CANADIAN COLORED COTTON MILLS COMPANY.—In an action against a manufacturing company for damages for the death of an employee, the evidence showed that two large wheels, forty-five feet apart, were placed partly in a trench in the floor in the basement of a mill for the purpose of driving a wide belt, and revolved at the rate of about 220 times a minute. The deceased was employed to oil the bearings and see they did not heat. His dead body was found much injured close to one of them, but there was no evidence of how he had met his death. The wheels were not guarded by fencing, but there was evidence that the deceased had on previous occasions crossed the trench on two planks placed there between the upper and lower moving belt. A Divisional Court held that there was evidence of negligence of the employer proper to be submitted to the jury.

JOHNSTON V. DOMINION GRANGE MUTUAL FIRE INS. CO.—A provision in a policy of fire insurance permitting the insured to use, "for the purpose of threshing the crops on the premises, a steam thresher with efficient spark arrester," does not by inference prohibit the use of a steam engine in connection with a machine for crushing grain. The use of a steam engine on one occasion, in connection with a machine for crushing grain, is not a change material to the risk within the meaning of the statutory condition. That condition refers to some structural alteration in the premises, or habitual or permanent alteration in the nature of the work or business carried on, in the opinion of the Court of Appeal.

HYAMS V. CITY OF TORONTO.—A sidewalk put down by the defendants extended beyond the true line of the highway and up to the outside wall of a shop, the owner of which cut the sidewalk and let into it a grating for the purpose of lighting his cellar. The grating was not guarded, and no notice was given to the public that it and part of the sidewalk was upon private property. The plaintiff stepped upon the grating, which was in a defective condition, and was injured. The Court of Appeal decided that it was a question for the jury whether the danger was so close to the highway as to render travel unsafe and whether the defendants had reasonable notice of the danger.

FLEMING V. EDWARDS.—A voluntary conveyance of part of his estate by a retired and successful hotel-keeper to his wife, made at a time when he was in solvent circumstances, but was, after some months of idleness, about to take up the hotel-keeping business again, was upheld by the Court of Appeal as against subsequent creditors, the grantor's subsequent insolvency being caused by loss by fire.

—A Missouri judge has decided that bicycles are baggage, and that railroads can be compelled by mandamus proceedings to carry them as such. The decision was rendered by Judge Russell, of St. Louis, in the suit brought by J. R. Bettis, of Webster Groves, to compel a railroad to carry his bicycle as baggage without an extra charge of 25 cents. On the question, "Is the bicycle baggage?" Judge Russell concludes that the law regards as baggage not merely articles of personal apparel, but also other articles, like an artist's easel, a sportsman's gun case and a sailor's telescope.

—The Aetna rolling mill, at Cleveland, Ohio, has resumed operations, employing 350 men.

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