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DECISIONS IN COMMERCIAL LAW.

CALDWELL V. FRASER.—It will be remembered that this interesting action was brought by John F. Caldwell, of Winnipeg, against Angus W. Fraser and the Barley Gold Mining Company. It was held that, (1) the Dominion had no power to sell or grant the Indian lands, whether surrendered or unsundered; (2) that, even assuming the right to sell unsundered lands, it had no right to sell or dispose of precious metals, and, therefore, its patent to plaintiff was void; (3) Sultana Island having been surrendered, the Province had the right to sell or grant such lands, and, therefore, the letters patent from the Province of x 42 and x 43 to the plaintiff are good and valid, but they conveyed nothing beyond the land surrendered; (4) that if the land covered by water in front of Sultana Island was part of the reserve and unsundered, the Province had no right to grant the same; (5) that if the lands in question are part of 38 B and unsundered, the grants from the Province are, if valid at all, only valid to the extent of conveying the right of the Province to such lands, subject to the Indian title, and the right to take the precious metals from under such lands, in as far as they might be done without affecting surface rights; (6) that plaintiff had no right to complain of the issue of the letters patent of D. 193 A., assuming such issue to have been valid, because he had no contract with the Crown at the time of the grant, and no right which was enforceable against the Crown; nor did such letters patent issue by error or improvidence, or in disregard of the rights of plaintiff as riparian owner or otherwise; (7) that plaintiff had no right to claim the interference of the court because of the erection of the crib; (8) that the complaint as to overlapping of the descriptions is not sustained.

In Re DOWLER V. DUFFY.—The County Court Judge presiding in a Division Court, has no power to commit a garnishee for default in making payments pursuant to an order after judgment. His powers have not been extended in this direction by sec. 18 of 57 Vic., c. 23.

BENEDICT V. ARNOUX.—The relations of principal and agent were determined by the Court of Appeal of New York. Held, that when an agent forms the purpose of dealing with his principal's property for his own advantage, or for that of a third party, he ceases to be an agent, and his action is deemed to be in fraud of the rights of his principal. The presumption that all the facts have been disclosed to the principal no longer exists. A general rule of the same court was cited to the effect that the presumption that notice to the agent while acting within the scope of his authority is notice to the principal, is subject to several exceptions. Thus, when the agent has no legal right to disclose a fact to his principal, or he is engaged in a scheme to defraud his principal, the presumption does not prevail, because he cannot in reason be presumed to have disclosed that which it was his duty to keep secret, or that which would expose and defeat his fraudulent purpose.

—At a New England society dinner some years ago, Mark Twain had just finished a piquant address, when Mr. Evarts arose, shoved both his hands into his trousers pocket, as was his habit, and laughingly remarked: "Doesn't it strike this company as a little unusual that a professional humorist should be funny?" Mark Twain waited until the laughter excited by this sally had subsided, and then drawled out: "Doesn't it strike this company as a little unusual that a lawyer should have his hands in his own pockets?"—Argonaut.

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