DECISIONS IN COMMERCIAL LAW.

JONES v. MILLER.—Where the defendants agreed to take stock in a company about to be incorporated, and arranged that their interest in certain land acquired from them by the company should be applied in payment of their stock, and although it appeared that the company took the land over at a price considerably beyond that at which it was acquired by the defendants, yet, no fraud being shown, it was held by the Court of Queen's Bench that the shares of stock issued to the defendants, pursuant to the arrangement, upon the incorporation of the company, as fully paid-up shares, must be treated as such in an action by an execution creditor of the company seeking to make the defendants liable upon their shares for the amount unpaid thereon. The law upon that subject is the same in this Province as that of England, prior to the Companies' Act.

BLONG v. FITZGERALD.—The wife of a mortgagor who has joined in a mortgage for the purpose of barring her dower, to the extent of the mortgage only, has the right to redeem during her husband's lifetime, and is a necessary party to an action for foreclosure in the first instance. And where she was not so made a party, and judgment of foreclosure was recovered in her absence, she was after judgment and report added as a defendant by Rose, J., upon her own petition, and permitted to redeem, or pay off and obtain an assignment of the mortgage.

DYER v. TOWN OF TRENTON.—Held, by the Court of Chancery, that the intention of the "special provisions" in reference to assessment in cities, towns and incorporated villages, contained in s. 52 of the Consolidated Assessment Act, 1892, is not that the rate of such an assessment made under that provision may be levied for the current year. The function of the assessment under that section is defined only with reference to future years, and what is said is that this assessment so taken at the end of the year may be adopted by the council of the following year, as the assessment on which the rate of taxation for that year may be levied.

REGINA v. CHARLES.—A company was incorporated under the Joint Stock Companies Letters Patent Act for establishing a driving park to improve the breed of horses, &c., and for such purposes to acquire the Dufferin Park property, being 161 acres of land on Dufferin street, in the city of Toronto, on which were erected houses, a grand stand, stables, etc., and with power to erect a club house, and subject to the Liquor License Act, to maintain and rent and lease the same, if desirable, for social purposes, to charge fees for persons using any of the privileges or property of the company, and generally to do all things incidental or conducive to the objects aforesaid. The subscribed stock amounted to $5,800; $5,000 was taken up by the defendant, and the remainder by three other persons. The Court of Common Pleas decided that the charter did not authorize the company to have a club house at any other place than that specified in the charter; and where, therefore, the defendant was found in possession of intoxicating liquor at a place called the Occident Hall, Queen street, in the same city, though contended to be a club constituted under the charter, and of which the defendant claimed to be the secretary, he was properly convicted under the Liquor License Act for unlawfully keeping liquor for sale, barter or traffic without a license.

REGINA v. REDMOND.—Held by the Court of Common Pleas that the unloading of manure from a cart on a certain part of a railway premises into wagons to be carried away, came within the terms of a municipal by-law in the form appended to the Ontario Public Health Act, prohibiting the unloading of manure on such part of the premises; that the use of the word "manure" was not in itself objectionable; and that it was not essential to show that it might endanger the public health. A summary conviction for unloading a car of manure on the premises as contrary to the by-law was therefore affirmed.

REGINA v. JUSTIN.—By the Consolidated Municipal Act, 1892, a municipal council is authorized to pass by-laws for regulating or preventing the incumbering by animals, vehicles, vessels, or other means, of any road, street, alley, bridge or other communication, the Court of Common Pleas holds that a bicycle is a vehicle within the meaning of the subsection, and of a by-law of the municipality passed under it, so as to support a conviction for riding a bicycle on the sidewalk.

BEATON v. GLOBE PRINTING CO.—In an action for libel against the publishers of a newspaper, the managing editor of the defendants stated on affidavit that the article complained of was published by the defendants in good faith, in the public interest, not maliciously, nor with any intent to defame the plaintiff, but in the belief that the facts stated were substantially true, and such as should in the interests of justice be made public; that the article was, as it purported to be, copied from a New York newspaper, and was copied by a large number of other newspapers in Ontario; that it was material and necessary in the defendants' interest to have the plaintiff examined on oath before delivery of the statement of defence, in order to ascertain the facts necessary to enable them to determine what course to take in framing their defence, and they could not properly put in their defence without discovery from the plaintiff by examination. Held, by Court of Common Pleas, that the defendants should be allowed to examine the plaintiff as asked.

McNAMEE v. CITY OF TORONTO.—By a contract between the plaintiff and the corporation of the City of Toronto, for laying a conduit pipe across Toronto Bay, it was provided that all differences, etc., should be referred to the award, order, arbitrament, and final determination of H., the superintendent in charge of said work. Held, by Chancellor Boyd, that the fact that H. being such superintendent did not disqualify him from acting as arbitrator.

ORGAN v. CITY OF TORONTO.—In an action against the corporation of the City of Toronto, for damages resulting from an accident caused by the plaintiff slipping on a patch of ice on the sidewalk, caused by the water brought from the roof of an adjacent building, being allowed to flow over the sidewalk and freeze, the owner of the building and the tenant thereof were, at the instance of the corporation, made party defendants. Held, by McMahon, J., that the owner, but not the tenant, was liable over the corporation for damages sustained by the plaintiffs.

—In Belgium, at the beginning of January, there were 26 iron furnaces in blast and 16 out. Those in blast were 10 in the Charleroi district, 12 in the Liege district, and 4 at Luxembourg.