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DECISIONS IN COMMERCIAL LAW

VAN BOKKELEN V. TRAVELERS' INSUR-
ANCE COMPANY OF HARTFORD, CONN.—An
interesting decision as to the interpreta-
tion of a policy of insurance has recently
been given in New York State. A policy
issued by the Travelers' Insurance Com-
pany of Hartford, Conn., to Spencer D.
C. Van Bokkelen, insured him against in-
juries resulting "through external, violent
and accidental means," and it provided
that if "death results from such injuries
alone within ninety days, will pay \$10,000
to Caroline B. Van Bokkelen, his daugh-
ter;" also that "if such injuries are sus-
tained while riding as a passenger in any
passenger conveyance using steam, cable
or electricity as a motive power, the
amount to be paid shall be double the
sum specified." On July 31, 1897, while
Mr. Van Bokkelen was a passenger upon
a Morris and Essex train he went out
from one car upon the open platform, and
while on the platform fell or was thrown
down, and was dragged for some distance
while holding to the handrail or step of
the platform. He finally lost his hold and
fell from the car upon the ground, and
was dead when reached. The company
promptly paid Miss Van Bokkelen \$10,000,
and she then brought suit for an additional
\$10,000. The controversy was submitted
on agreed facts. The Appellate Division
unanimously directed judgment in favor of
the defendant. "To entitle the plaintiff to
the additional \$10,000," Justice Ingraham
said, "it must appear that the injuries
were sustained while riding as a passenger
in a conveyance used for the transportation
of passengers. The clause, therefore,
would not be operative when the insured
was injured while riding outside or upon
such vehicle. A different meaning might
be given to the clause if it provided that
the passenger must be in a train. But
where the liability is confined to a case
where the passenger was injured when
'in a passenger conveyance,' it would
seem to exclude an injury received by a
person when riding otherwise than inside
of a passenger conveyance."

RE Tobacco, an Essex subscriber writes
on Saturday: "The growers here in Essex
are certainly fighting the factories by their
big bluff. They feel that the manufactur-
ers have combined to get the weed at their
own prices, and it looks to me as if there
were something in it. The factories paid
from 10 to 18 cents the pound last year
and were short at that. Why should they
not pay the same, or nearly so, this year?"
This is the way the growers argue, and
they are going to fight the buyers. We
shall see who will win.

It may not be pleasant to remind peo-
ple of their folly, but it may do some good
to recall the career of the Iron Hall, an
order which some years ago did a friendly
benefit business and professed to insure
people's lives. Describing its liquidation,
The Insurance Times says: "The price
paid for what figured as \$400,000 in the
assets of the defunct Iron Hall was \$353.
The sale was made by the receiver at auc-
tion. Of the so-called assets, \$250,000
was a claim against a Philadelphia bank,
also defunct."

JOHN MACKAY

Public Accountant, Auditor, Receiver
and Trustee

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