DECISIONS IN COMMERCIAL LAW.

IN RE PRITCHARD, OFFOR & Co.—On making an order for continuing the voluntary winding up of a company under the supervision of the court, a direction was inserted in the order that the voluntary liquidator should once a month make a report in writing to the Registrar in Companies' Winding-up as to the progress of the liquidation and the realization of the assets.

CONNELL v. TOWN OF PRESCOTT.—C., having driven his horses into a lumber yard adjoining a street on which blasting operations were being carried on, left them in charge of the owner of another team while he spoke with the proprietor of the yard. Shortly afterward a blast went off and stones thrown by the explosion fell on the roof of a shed in which C. was standing and frightened the horses, which began to run. C. at once ran out in front of them and endeavored to stop them, but could not, and in trying to get away he was injured. He brought an action against the municipality conducting the blasting operations to recover damages for such injury. Held by the Supreme Court of Canada, that the negligent act immediately produced in him the state of mind which instinctively impelled him to attempt to stop the horses, and that he did no more than any reasonable man would have done under the circumstances, and was therefore entitled to damages.

WATT v. CITY OF LONDON.—Section 65 of the Ontario Assessment Act, R.S.O., c. 193, does not enable the Court of Revision to make valid an assessment which the statute does not authorize. Section 15 of the Act provides that "where any business is carried on by a person in a municipality in which he does not reside, or in two or more municipalities, the personal property belonging to such person shall be assessed in the municipality in which such personal property is situated." W., residing and doing business in Brantford, had certain merchandise in London stored in a public ware house used by other persons as well as W. He kept no clerk or agent in charge of such merchandise, but when sales were made a delivery order was given, upon which the warehouse keeper acted. Once a week a commercial traveller for W., residing in London, attended there to take orders for goods, including the kind so stored, but the sales of stock in the warehouse were not confined to transactions entered into at London. Held by the Supreme Court of Canada that W. did not carry on business in London within the meaning of the section, and his merchandise in the warehouse was not liable to be assessed at London.

VILLAGE OF NEW HAMBURG v. COUNTY OF WATERLOO.—By the Ontario Municipal Act, R. S. O., c. 184, s. 532, the council of any county has "exclusive jurisdiction over all bridges crossing streams or rivers over one hundred feet in width within the limits of any incorporated village in the county and connecting any main highway leading through the county," and by s. 534 the county council is obliged to erect and maintain bridges on rivers and streams of said width; on rivers or streams of one hundred feet or less in width bridges must be constructed and maintained by the respective villages through which they flow. The river Nith flows through the village of New Hamburg, and in dry seasons when the water is low the width of the river is less than one hundred feet, but after heavy rains and freshets it exceeds that width. Held by the Supreme Court of Canada that the width at the level attained after heavy rains and freshets in each year should be considered in determining the liability under the Act to construct and maintain a bridge over the river; the width at ordinary high water mark is not the test of such liability.

BRITISH LINEN COMPANY v. SOUTH AMERICAN AND MEXICAN COMPANY.—A winding-up petition was presented against the defendant company on the 24th July, 1893, and on the 26th July, 1893, an action was commenced against them by the holders of debentures (charging *inter alia* the unclassed capital) for the realization of the plaintiffs' security. On the 2nd of August, a winding-up order was made, and on the same day an order was made in the action on the plaintiffs' application appointing an accountant nominated by them to be a receiver and manager of the property comprised in the debentures. This property was sufficient to cover the amount owing on the debentures. Some of the capital had been called up but not got in, and about £300,000 of capital had not been called up. Vaughan Williams, J., said the authorities laid down a rule of practice, and established that the Court ought not, because there was a liquidation, to interfere with the rights of debenture-holders or mortgagees more than was essential in order to do complete justice to all parties, and that *prima facie* debenture-holders or mortgagees had a right to ask that their nominee should be appointed receiver and manager. The assets here were not of such a nature that they could be more conveniently collected by an accountant than by the official receiver, though his Lordship was satisfied that official receivers, however able and zealous, were not the most fitting persons to act as liquidators where there was a business to be carried on, or when similar transactions such as buying, or selling, or borrowing of money, were necessary. In all these and many other cases, the appointment of a commercial liquidator was preferable to that of an official receiver. The official receiver and provisional liquidator, on giving the undertaking above-mentioned, was appointed as receiver and manager in the place of the receiver and manager appointed in the action.

LORTIE v. QUEBEC CENTRAL RAILWAY CO.—L. was the holder of a ticket and a passenger on the company's train from Levis to Ste. Marie Beauce. When the train stopped at Ste. Marie station the passengers alighted, but the car upon which L. had been travelling being some distance from the station platform, and the time for stopping having nearly elapsed, L. got out at the end of the car, and, the distance to the ground from the steps being about two feet and a half, in so doing he fell and broke his leg, which had to be amputated. The action was for $5,000 damages, alleging negligence and want of proper accommodation. The defence was contributory negligence. Upon the evidence the Superior Court, whose judgment was affirmed by the Court of Queen's Bench, gave judgment in favor of L. for the whole amount. On appeal to the Supreme Court of Canada: Held, reversing the judgments of the courts below, that in the exercise of the ordinary care L. could have safely gained the platform by passing through the car forward, and that the accident being wholly attributable to L.'s own default in alighting as he did, he could not recover.