DECISIONS IN COMMERCIAL LAW.

TREBILCOCK v. WALSH.—The Act respecting lotteries, betting and pool-selling is, according to the Court of Appeal, aimed at the suppression of the *business* of betting and pool-selling, and does not apply to bets between individuals whether stakes are, or are not, deposited in the hands of a third person. And while a bet between individuals as to the result of a parliamentary election is illegal, it is not a misdemeanor to make such a bet, and either party may, before the money has been paid over by the stakeholder, recover back from him the amount deposited by that party.

GUINANE v. SUNNYSIDE BOATING CLUB.—The directors of a club, in exercising disciplinary jurisdiction under a by-law providing that "any member guilty of conduct which in the opinion of the board merits such a course, may be expelled," are not bound by legal rules of evidence, and their decision arrived at after a fair investigation of the facts, will not be interfered with, according to the Court of Appeal, because they have admitted as part of the evidence in proof of the charge, the informally sworn statement of one of the persons concerned in the transaction. Where the charge has been discussed and replied to in the public prints, it is not necessary to give to the accused person, when calling upon him to show cause against his proposed expulsion, specific particulars of the accusation. A general statement is sufficient.

REGINA v. HALLIDAY.—The Liquor License Act of Ontario, which requires brewers licensed by the Government of Canada to take out licenses under that Act, is *intra vires*. A cellar where beer is stored is a "warehouse" within the meaning of that section of the Act which provides that liquor is not to be consumed on the premises of persons having license to sell by wholesale. This is a judgment of the Court of Appeal.

NORRIS v. CITY OF TORONTO.—Certain premises in a city were assessed against Dickson & Townsend as occupants and John Catto as owner. In the early part of 1893 Dickson & Townsend vacated the premises, and Oliver, Coate & Company, auctioneers, became the occupants. The defendants distrained upon the premises for the taxes for 1893 certain goods of the plaintiff, which had been left by him with Oliver, Coate & Company to be sold and disposed of in the ordinary course of their business as auctioneers. Fergusson, J., held that by virtue of the Consolidated Assessment Act, 1892, the distress was valid, and a motion for an injunction to restrain the sale of the goods seized was dismissed.

CANADA PERMANENT LOAN AND SAVINGS COMPANY v. SCHOOL DISTRICT OF EAST SELKIRK.—The Court of Queen's Bench for Manitoba holds that there being a specific remedy for the collection of school taxes, it should be held on principles of public policy that they are not attachable under the provisions of the Garnishment Act.

FLEMING v. RYAN.—An assignee for the benefit of creditors, under an assignment made and registered pursuant to the Assignments and Preferences Act, may renew a chattel mortgage made in favor of his assignor without the execution and registration of a specific assignment of that mortgage. A renewal statement in itself in proper form alleging title through the assignment for the benefit of creditors is sufficient, according to the Court of Appeal.

ROE v. VILLAGE OF LUCKNOW.—The Court of Appeal decides that the mere fact that a horse being driven along the highway has been frightened by the whistle of a steam-engine, used by the defendants for the purpose of their lawfully operated waterworks, is not sufficient to make the defendants responsible for damages resulting from the horse having run away. Some positive evidence of negligence in the use of the whistle must be given, or at least some evidence that the use of the whistle might reasonably be expected to cause such an accident. This reverses the judgment of the judge of the County Court of Huron.

MCKIBBON v. FEEGAN.—A bequest of life insurance to the testator's wife is a valid declaration of trust, according to the Court of Appeal, within the meaning of the Act to Secure to Wives and Children the benefit of Life Insurance, so as to cut out creditors of the testator.

CITY OF TORONTO v. LORSCH.—The Court of Queen's Bench holds that a municipal corporation has the right to have it declared as against a person, whether or not certain land is a public highway, and whether such person has a right to possess, occupy and obstruct the same. And in an action by the municipal corporation for the purpose, a declaration may be made according to the facts, and the defendant enjoined from possessing or occupying the land so as to obstruct the use of it as a public highway.

LONG v. THAYER.—The death of the principal revokes the agent's authority to act for him or his estate, according to the Supreme Court of the United States; payments made to an agent after the death of the principal do not discharge the debtor's obligation, even if made in ignorance of the principal's death. Where payment is made to the agent of two joint creditors after the death of one of the principals, the presumption after a long time, in the absence of proof to the contrary, is that the agent has accounted to the surviving principal for the money received.

GARDNER v. MICHIGAN CENTRAL RAILROAD CO.—It is the duty of the master not to expose his servants when conducting his business to perils, from which they may be guarded by proper diligence on his part. The master is bound to furnish such machinery and apparatus as is adequate and suitable, and to keep and maintain them in such condition as to be reasonably safe for use. An action for injury by a railroad company to one of its servants by reason of a hole in the planking of a crossing while he was uncoupling cars should be left to the jury where there is evidence tending to show that the crossing was in an unsafe condition; that the injury happened in consequence; that the defect must have been known to defendant; that sufficient time for repairs had elapsed, and that the plaintiff was acting in obedience to orders in uncoupling at the place and time, and was ignorant of the special peril and was in the exercise of due care. This is a judgment of the Supreme Court of the United States.

—The Consumers Cordage Company elected the following officers and directors for the ensuing year: Messrs. J. S. Stairs, M.P., Halifax, president; A. W. Morris, M.P.P., vice-president; Edward M. Fulton, treasurer; C. P. Morris, secretary; W. P. Whitlock, New York; George Sayres, Halifax; and James M. Waterburg, New York.