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DECISIONS IN COMMERCIAL LAW.

WRIGHT V. CITY OF TORONTO. - A municipality is liable, under the Ontario Municipal Act, for damages done by closing and deviation of a highway (York Street), to the business of a claimant, a tenant of hotel property abutting on the highway closed, and the municipality is liable to compensate claimant, although no bylaw authorizing work was passed; that damage to business was recoverable, though no land was taken, and that claimant was entitled to compensation for future damage caused by deviation of highway according to the municipal arbitrator.

REGINA V. CANADA SUGAR REFINING CO .--By section 4 of the Customs Tariff Act, 1894, duties shall be levied on certain specified goods "when such goods are imported into Canada." By section 150 of the Customs Act, the importation of goods "shall be deemed to have been completed from the time the vessel in which such goods were imported came within the limits of the port at which they ought to be reported," and by section 25 the master of a vessel entering any port in Canada must report in writing to the collector or proper officer the particulars of his ship and cargo and the portion to be landed at that port, etc.; section 31 provides that duties shall not be collected at a port where goods are entered but not landed. Held by the Supreme Court of Canada, that the importation under section 150 is not completed at the first port of entry of the vessel, if the goods are not landed there, but only at her arrival at her port of final destination. Therefore, when a vessel containing sugar entered North Sydney in April, 1895, and reported under section 25, and then proceeded to Montreal, where she arrived on the 4th May, and landed her cargo, the sugar was liable to duty under an Act which came into force on the 3rd May. And further, that the duties attached, notwithstanding that such Act did not receive the royal assent until July, 1895, it containing a provision that it should be held to have come into force on the 3rd May.

RE JOHN EATON Co., Limited.—Petition of Reid, Taylor and Bayne, creditors, for a winding-up order of the above company, and of Edward Hughes & Sons for a similar order. Where there will in all probability arise many questions of a complicated character, such as ascertaining contributories, and as to whether or not the stock of the company is paid up, and probably questions as to the assignment of the policies of fire insurance which could not properly be disposed of under the assignment for benefit of creditors already made, Robertson, J., decided that an order should be made for winding up under the statute, notwithstanding the assignment, and notwithstanding that the desire of the majority of the creditors in point of number and value was for an ordinary liquidation under the Assignment Act. The case of under the Assignment Act. re Hamilton Whip Company, previously decided, is distinguishable, as in that case there were no complications, and all the stock was paid up, while here it is certain that there will be complications arising out of the amounts of stock owing to the company by members of the co-partner-Order appointing provisional liqidator and for winding up with a reference to the Master-in-Ordinary to issue to Reid & Co., the first applicants. Petition of second applicants dismissed without costs.

DAVID A. PENDER,

(Late of Foster & Pender)

Accountant, Auditor, Assignee. 28 Wellington St. East, Toronto.

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