

RECENT LEGAL DECISIONS.

RE CENTRAL BANK.—The Master in Ordinary has given judgment in the case of Robert Beatty & Co., brokers, who objected to be made contributories and to be placed on the list of contributories of the bank, on the ground that they never accepted the stock for which the liquidation sought to make them liable in such form as to render them liable in law. The Banking Act provides that a transfer must be registered and accepted by the person to whom the transfer is made in a book kept by the directors for that purpose. It has been the custom of brokers in transferring stock to transfer it in blank, not inserting in the transfer the name of the transferee, and then to write in the margin of the transfer book, opposite the transfer, "subject to order of X." These marginal transfers the Master holds are not sufficient under the Act to render the supposed transferee liable.

LONDON AND CANADIAN LOAN COMPANY v. MORPHY AND NIVEN.—The company held a judgment against the firm of M. & N., both of whom owned seats on the Toronto Stock Exchange, which seats it was considered could not be sold under a writ of *fiat facias*. Application was made to the Queen's Bench Division for an order to sell the seats, which had been seized under a writ of sequestration; this the Chief Justice (Wilson) refused, on appeal to the Court of Appeal was had. On argument before that court it appeared that M. had paid off the judgment to the company, and was carrying on the appeal for the purpose of acquiring the seat held by N., and the judgment of the Queen's Bench was affirmed, but without divesting M. of any right which he might have to get himself substituted for the company; as the title to a purchaser could only be effected with the assent and co-operation of the Stock Exchange as provided by its by-laws.

CLARK v. ODETTE, THE "MARION TELLER."—The "Marion Teller" got aground near the Canadian shore of Lake Erie and a tug towed her off. The plaintiffs managed the tug on commission, and entered into a special contract with the master of the rescued vessel by which they were to receive \$10 per hour for their services. They sued in their own names for remuneration for such salvage services as they had rendered, and the Maritime Court awarded them \$1,110. The Supreme Court of Canada reversed the judgment, on the ground that the plaintiffs being neither owners of, nor mariners, nor passengers on board the tug could not sue in their own name for such salvage.

MAGNUS v. QUEENSLAND NATIONAL BANK.—G., a stockbroker, who was one of three trustees, and acted as broker to the trust, proposed to his co-trustees to sell B. stock belonging to the trust and re-invest in N. E. stock. The three trustees then on the 27th of January, 1882, executed a transfer of the B. stock for a nominal consideration to two persons, who were officers of a bank of which G. was a customer. G. gave the transfer to the bank as security for a loan by them to him, and the transfer was registered. G., in February, 1882, paid off the loan, and on the 13th of February the bank transferred the stock to purchasers from G., and without any notice to G.'s co-trustees, allowed him to receive the purchase money. He invested it in N. E. stock in his own name, and in 1883 sold this stock and misappropriated the proceeds. Shortly after the sale of the B. stock G. had given an account to his co-trustees showing the sale of B. stock and a re-invest-

ment in N. E. stock, and in 1884 he rendered another account in which he represented the N. E. stock as still forming part of the trust funds. In 1885 he absconded. The genuineness of the signatures of the co-trustees to the deed of transfer was admitted. The English Court of Chancery held that on these facts the bank had occasioned the loss to the trust estate by allowing the purchase money to come into the hands of G., who had no authority to receive it, and whom they had no sufficient reason for believing to have authority to receive it, and that the bank must therefore make it good at the suit of the co-trustees, although the co-trustees had been negligent in not seeing that the N. E. stock was registered in the joint names of the trustees.

BROTHERWICK v. THE EVENING POST.—Brotherwick had long been the proprietor of a daily morning newspaper called the *Morning Post*. The defendants commenced a daily evening newspaper called the *Evening Post*. B. sued for an injunction to restrain defendants from using the name *Evening Post*, on the ground that it was calculated to deceive the public, but gave no evidence of actual injury having been done to him in consequence of the name adopted by the defendants. The English Court of Chancery decided that where the owner of a publication claims an injunction to restrain the issue of another publication with a similar name, he must show not only that the assumption of that name by the defendants is calculated to deceive the public into supposing that there was a connection between the two papers, but also that there is a probability of his being injured by such deception, and so refused an injunction.

THE METALS SITUATION.

The effect of combinations upon the metals market on both sides of the Atlantic has been unsettling. There is rather greater steadiness in copper at the moment, but it is not easy to predict what may come. Zinc sheets are reported weaker, also spelter. Tin has been so demoralized by the operations of the syndicate that scarcely any quotations of it are possible. Pig lead, which declined during April, has "firmed up" again by last advices. Even pig iron is unsettled; prices are low in Britain, but our tariff will not permit us to take advantage of that. And as to bar iron, it is impossible to import English bars now—except the very smallest sizes—and pay our heavy duties. High-priced and high-quality iron, however, such as Lowmoor and Swedes, is not affected in the same degree by the late excessive imposts. To add to the prevailing uncertainty as to prices, freights are unsettled by reason of competition; a tariff rate named in a late metals circular is 12s. 6d. per ton Liverpool to Montreal. Steel plates, strange to say, while easier in price in Britain are very hard to be got. It is with difficulty that orders are filled for them, so brisk seems the demand. Large basic steel works are being erected in the west of Scotland, and the output will soon be much increased. It remains true, upon the whole, that prices in every department of the metals trade favor the buyer.

The volume of wholesale business at the present period is not so large as at the corresponding date last year. This is true of Montreal, we are told, as well as of western towns and cities. Sorting-up orders even are limited, and people do not buy with confidence. As to payments, they are reported less satisfactory than could be wished, but so backward has

trade been by reason of the cold spring that nothing else was to be expected.

The story of the "gamble" in tin which has been going on for some months past under the auspices of a syndicate formed late last autumn is well worth studying by the outside public. It is one of the most instructive instances of its kind, and shows in a very striking manner how great an amount of mischief can be accomplished by a knot of unscrupulous speculators who can get hold of a commodity in demand for manufacturing purposes. We find in the London *Morning Post* of 28th ult. a description of its havoc:

"This tin 'ring' has very nearly succeeded in ruining the tin-plate industry of Wales, one of the most important in the kingdom, and more injury is yet to follow, it seems. In the month of October last year a number of French speculators determined to make a 'corner' in tin, and set to work about the business forthwith. The ticketing at Redruth in mid October showed the prices of Cornish tin to rule between £58 and £66 per ton. By the middle of November the 'ring' had sent prices up £15 and £16, parcels of Wheal Kitty fetching nearly £80 a ton. The Straits product was secured, and prices manipulated in the same way, so that Straits tin, quoted in summer at £102, was run up to £160 and over. The first consequence of this was seen in the closing of the Welsh tin-plate works. The extensive factories of Abertillery, Blaenau, Nantyglo, and Pontymister, in South Wales, were stopped by the 1st of November, it being impossible to produce plates at market rates, while tin stood at the price it had then already reached. The masters did not mince matters in the circular they issued to the men announcing the stoppage, but stated that the closing of the works was 'due to the anomalous position in which the tin trade had been placed by the speculation in tin, the price of which had been forced up £16 a ton, while the price of tin plates remained stationary. The advance had been brought about by a French syndicate of speculators, who had been making forward bear sales, to come in and buy at higher prices.' The extent of the mischief done by the ring may be imagined when it is understood that the tin plate industry of South Wales employs over 20,000 hands, and the plates exported are alone valued at over £5,000,000 annually. The loss of the wages circulating in the district, and the distress occasioned by such a 'closing,' may be imagined; for it is not necessary to do more than state the simple facts as we have done here. But the greater evil is yet to come. The gamble is proving a failure, as such operations mostly do, and prices are coming down with a tumble. Though Straits tin for cash is quoted £166 a ton, the price for delivery two months ahead is £114, and the old level will, no doubt, soon be reached again. But the artificial inflation of prices has brought about a greatly lessened demand, and stocks have accumulated at such a rate that they are now double what they were when the ring was formed and speculation began. Instead of a stock of 10,000 tons to draw upon there is one of 20,000 tons, and with production going on there will, it is estimated, be twice that quantity in hand by the end of the present year. And then we shall see the final result in this 'gamble' in tin, which, by the way, has not been confined to the Frenchmen who started it. With 40,000 tons of the metal stacked here, instead of the usual 10,000, prices will go down to such a point that production will have to be stopped; mines will be, perforce, closed, trade injured, workmen and their families reduced to want; and for many a month afterwards the tin-mining industry will suffer under low prices, with all the attendant miseries inflicted upon the poor people engaged in it. And all this because a few unscrupulous men are discontented with the steady, if smaller, profits of legitimate trading, and prefer to run the risk of gambling for an uncertain sovereign rather than make a certain 10s. in a more respectable and humdrum way."

UPWARDS of 800 waggons have, so far this year, been shipped from the works of the Chatham Manufacturing Co. One wagon went to the Fiji Islands, another to New Zealand and two to Buenos Ayres.