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### DECISIONS IN COMMERCIAL LAW.

FARWELL V. JAMESON.—By section 28 of the Landlord and Tenant Act, only the property of the tenant or person liable for the rent shall be distrained upon. The word "tenant" in the Act includes a sub-tenant, assignees of a tenant, and a person in actual occupation under or with consent of the tenant. A property under lease was assigned by way of mortgage, and the mortgagees took possession and gave the keys to a house-agent so that he could show the premises with a view of letting them. The house agent, without any authority so to do, let into possession a firm of dealers in pianos, and the stock they placed in the premises was distrained upon for arrears of rent under the original lease. Held by the Supreme Court of Canada, reversing the judgment of the Court of Appeal of Ontario, that the property was not liable to seizure; that it could only be liable as property of persons in occupation "under" the assignees of the tenant, and these persons were not so in occupation; and that, though in an action of ejectment or trespass they might be estopped from denying that they held under the assignees, that would not bring them within the terms of the Act; they must hold under the tenant in point of fact.

CARRUTHERS AND CARRUTHERS .--- Where a testator gives power to his trustees to aproint a factor to the estate, who may be one of themselves, but directs them to require annual accounts, the trustees are guilty of culpa lata if they fail to call for annual accounts, according to the House of Lords.

HESSELBACHER V. BALLANTYNE. --- Where goods, the subject of an executory contract of sale, have passed into the possession of the vendee, without payment therefor being made, and have, while in such possession, been lost or destroyed, through no fault of the vendor, the vendee is liable for the price, notwithstanding that the property in the goods had not, by the terms of the contract, passed to the vendee, and notwithstanding that no negligence on his part is shown, according to Meredith, C.J.

CARIQUE V. BEATY .- A promisory note, payable one year after date, was made by two persons, one signing for the accommodation of the other. After maturity the note was signed by a third person as a maker, with the object of giving additional security to the holder. Held by Rose, J., that the third person was to be regarded as an indorser and his signature did not constitute an alteration in the note such as would discharge the original accommodation maker; and upon the evidence, that there was no agreement to give time for payment which would discharge him, if regarded as a surety. Held also, that, treating the last signer as an indorser on a note payable on demand, it was not shown that he had been prejudiced by nonpresentment for payment prior to this action, the instrument having been dealt with as a continuing security, and there having been no unreasonable delay in presentment.

THE creditors of Crawford, Lynch & Co., general merchants, Orillia, met in this city last week, when a statement was presented showing liabilities of \$11,540, and assets of \$13,366. Since then the stock has been sold at 65 per cent.----The creditors of N. E. Haug, jeweller, Toronto, met last Friday, and were offered 20 cents on the dollar. The statement showed assets of \$8 600, and liabilities of \$7,500. No decision was arrived at, and the creditors will probably meet again in a fortnight.



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