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DECISIONS IN COMMERCIAL LAW.

GRAND TRUNK RAILWAY V. PORT PERRY.—A wharf used by a railway is not assessable. Lands used as railway will include, not merely the line of railway, but also all land and works thereon, physically necessary for the use of the railway as a railway. The platforms at a railway station, the roof covering the railway, and the sidings are all lands used only as a railway. Under the authorities, it would appear that the water tanks, platforms, etc., are not assessable apart from the land, and come within the same category as the rails, ties, fences, etc.

THE QUEEN V. BRADLEY.—Appeal from the judgment of the Exchequer Court. The respondent, who is chief reporter of the official reporting staff of the House of Commons, claimed \$3,235.35 for services as reporter, editor and secretary of the Prohibition Commission, under engagement by the late Sir Joseph Hickson, chairman of the commission. The Government contested that part of the claim which is in excess of the actual reporting authorized by Order-in-Council, and also contended that no portion of the claim could be sustained by reason of the provisions of section 51 of the Civil Service Act, which forbids employees being paid extra salary or additional remuneration. Held by the Supreme Court, that the provision of the Civil Service Act only prohibits extra payment being made for the specific services an employee is appointed to perform. Appeal dismissed with costs.

DELISLE V. PARENT.—Action to set aside a sale of land for taxes. Held by Meredith, C.J., that notwithstanding the provisions of section 188 of the Assessment Act, the lot in question not having been included in a list furnished by the treasurer to the clerk in the middle of January preceding the sale, as required by statute, the sale was unlawful and invalid.

SMITH V. MCARTHUR.—Appeal by Louise Warner, the claimant, under a chattel mortgage in an interpleader issue from the judgment of the Fifth Division Court in the county of Victoria, in favor of the plaintiffs, the execution creditors, upon the trial of the issue. Held by the Divisional Court that if the chattel mortgage were made for a pre-existing debt, and when the mortgagor was in insolvent circumstances to the knowledge of the mortgagee, still the mortgage was not on that account invalid, if made under pressure.

UNION COLLIERY COMPANY V. ATTORNEY-GENERAL.—The case arises out of a reference made by the Lieutenant-Governor of British Columbia in Council for an opinion of the Supreme Court of British Columbia as to the constitutionality of the British Columbia Statute of 53 Vict., chap. 33, respecting coal mining regulations by which Chinamen were forbidden to be employed below ground. The full court in British Columbia heard the parties interested, and came to the conclusion that the legislation was within the jurisdiction of the Legislature. Appeal quashed by Supreme Court for want of jurisdiction, on the ground that the opinion or decision of the court below is not a final judgment or conclusive decision susceptible of appeal under the Supreme Court Act.

BOULTBEE V. GZOWSKI.—A broker who buys bank shares for an undisclosed principal and does not accept the shares himself, but pursuant to a general power to transfer given by the vendor, transfers them to his principal, is not liable to indemnify the vendor against the statutory "double liability," which the principal fails to pay.

DAVID A. PENDER,

(Late of Foster & Pender)

Accountant, Auditor, Assignee,

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