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ed upon application.**E. C. Stanwood & Co'y**121 Devonshire Street,
BOSTON, Mass., U.S.A.**DECISIONS IN COMMERCIAL LAW.****FLEMING V. LONDON & LANCASHIRE AS-
SURANCE Co.**—This was an action upon a life
insurance policy. The trial judge held that
there was nothing to prevent defendants from
accepting the promissory note of a third person
in satisfaction and discharge of the premium,
and that the defendants having so accepted the
note of their local agent, a note for and on ac-
count of the premium, could not avail them-
selves of a condition in the policy to the effect
that if a note should be taken for the first
premium, and should not be paid when due,
the policy should become void. The members
of the Court of Appeal being divided in opinion,
appeal dismissed.**MCCORMICK V. TEMPERANCE AND GENERAL
LIFE ASSURANCE COMPANY OF NORTH AMERICA.**
—An appeal by plaintiff from order dismissing
with costs action brought by widow of Michael
A. McCormick to recover \$2,000, the amount
of a policy on the life of deceased. The de-
fence of the action was that a promissory note
had been given for the first year's premium,
and was unpaid at the time of the death.
Plaintiff contended that note had been paid by
an arrangement of set-off entered into by the
deceased with defendant's local agent, and that
defendants, having issued their official receipt
for the first year's premium, were estopped
from setting up non-payment. The Court of
Appeal dismissed the appeal.**ROGERS V. TORONTO PUBLIC SCHOOL
BOARD.**—The action was brought by the late
Benjamin Rogers, in respect of injuries re-
ceived by him on the 16th July, 1894, and was
continued by his executors after his death,
which took place in October, 1895. His death
was not caused by the injuries so received.
He was a yardsman in the employ of Elias
Rogers & Co., coal merchants, of Toronto, and
received the injuries in the basement of the
Ryerson school, Toronto, where he went on
the evening before the delivery of a large quan-
tity of coal to inspect the premises in order to
see where it should be stowed, by falling into
the furnace pit, which caused a fracture of the
hip-bone. The jury awarded him \$2,700
for his suffering, and \$3,000 for "permanent
injury." The Court of Appeal held that the
School Board were not liable as a School
Board for what occurred, and even if they had
been ordinary individuals, that they owed no
duty to deceased under the circumstances; and
also that there could be no damages for "per-
manent injury" under the circumstances.**AN EMPLOYER'S LIABILITY DECISION.**An interesting English employer's liability
case is reported by the *Solicitors' Journal*. It
appears that a firm of stevedores contracted to
discharge the cargo of a ship. The owners of
the ship agreed to furnish all the necessary
cranes and chains. One of the chains thus fur-
nished proved defective. It broke, causing a
serious injury to an employee of the stevedore
firm. The firm did not examine the apparatus
furnished them by the owners of the ship. The
firm compensated the workman for his injuries,
and then sought to recover the same from the
owners of the ship. The court held, that not-
withstanding the neglect of the firm to examine
the apparatus furnished them, that the neg-
ligence of the owners of the ship in furnishing
defective apparatus was so much greater that
the firm was entitled to recover. This practi-
cally eliminated the negligence of the firm as a
factor in the case, and made the negligence of
the ship owners the direct cause of the acci-
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