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DECISIONS IN COMMERCIAL LAW

SEYFANG V MANN.—A firm trading under the name of The Gibson & Prentiss Cycle Co., was dissolved, Mr. Gibson retiring and the plaintiff taking his place. The notice of dissolution stated that the business would be carried on by the new firm, who would pay the indebtedness of the old, and who were alone authorized to collect its debts. By the agreement for dissolution, the partners released each other from all liability, and it was agreed that all the claims of the old firm belonged to and would be collected by the new. When these facts had been communicated to the defendants, they wrote at once to the new firm stating that they had a large claim for damages against the old firm for non-fulfillment of contract, for which they would hold them liable. In the litigation which followed, it was held by the Court that novation had taken place, and that Seyfang and Prentiss were liable for the obligation which Gibson and Prentiss had incurred in the course of their business. It was held, however, that the novation applied to not more than the amount of the liability of the old firm at the time of the dissolution, and that it could not be assumed that there was any contract on the part of Seyfang and Prentiss to supply goods under the contract or to pay any liability not previously incurred.

POWELL V. TORONTO, HAMILTON, AND BUFFALO RAILWAY COMPANY.—Under the Dominion Railway Act, 51 Vict., ch., 29, compensation recoverable in respect to lands injuriously affected must be based on injury or damage to the land itself, and not on personal inconvenience or discomfort to the owner or occupant. It was held, therefore, that no compensation could be allowed to the owner of land fronting on a street along which a railway company lawfully constructed its line of railway, there being no interference with access to the land, except so far as that resulting from the passing of trains.

TELEPHONED TELEGRAPH MESSAGES.

The Michigan Supreme Court, says the Railway Review, has just decided that the Western Union Telegraph Company is responsible for failure to promptly transmit and deliver a telephoned telegraph message, through which failure the complainant suffered a loss. The complainant had telephoned to the operator to send a message to Chicago directing a step in a wheat deal. The message was not delivered. The telegraph company claimed that the operator had no authority to receive the message by telephone, and that in so doing he was acting as an agent for the complainant, but the court held that the use of a convenience like the telephone should not be entirely at the risk of the patron.

Up to the close of last week the taxes due the municipality of Hamilton were paid to the extent of \$501,336, out of a total of \$523,200. The total taxes collected in that city last year was \$497,614.

JOHN MACKAY
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