

found that fraud had been made out, and gave relief on that basis. The House of Lords (Lords Haldane, L.C., Dunedin, Atkinson, Shaw, and Parmoor) came to the conclusion that the Court of Appeal was not justified in reversing the finding of Neville, J., on the question of fraud; but their Lordships also held that although fraud had not been established yet that the plaintiff was not thereby precluded from claiming and getting relief on the footing of breach of duty arising out of the relationship of solicitor and client, and on that ground they affirmed the judgment of the Court of Appeal, being of the opinion that the evidence established that the defendant had as a solicitor failed in his duty to the plaintiff in advising the release of the property in question.

COVENANT IN RESTRAINT OF TRADE—CONSTRUCTION—BREACH
OF COVENANT—BUSINESS OF HOUSE AGENT—"CARRYING
ON BUSINESS."

Hadsley v. Dayer-Smith (1914) A.C. 979. This action was to restrain the breach of a covenant in restraint of trade. The plaintiff and defendant had formerly carried on business together as house agents in partnership under articles which provided that an outgoing partner should not, for a period of ten years after dissolution, carry on or engage or be interested directly or indirectly in any similar business within a radius of one mile of the partnership business. The defendant withdrew from the partnership and started a similar business on his own account at an office outside of the prohibited radius. In the course of his business he endeavoured to let two houses within the prohibited radius, on which he placed boards directing intending tenants to apply to him at his office, and also inserted advertisements relating to the letting of such houses in newspapers. The Court of Appeal held, reversing the judgment of Eve, J., on a motion for an injunction, that these acts amounted to a breach of the covenant; and the House of Lords (Lords Dunedin, Atkinson, Shaw, Sumner, and Parmoor) affirmed the decision of the Court of Appeal.

CANADIAN RAILWAYS—TRAFFIC BETWEEN CANADA AND UNITED
STATES—TARIFFS—RAILWAY COMMISSIONERS—JURISDICTION
—DECLARATORY ORDER—DOMINION RAILWAY ACT (R.S.C.
c. 37), ss. 26, 321, 336, 338.

Canadian Pacific Ry. v. Canadian Oil Co. (1914) A.C. 1022. This was an appeal from the Supreme Court of Canada affirming a judgment of the Railway Commissioners. The facts were, that in respect of railway traffic carried by a continuous route