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DECISIONS IN COMMERCIAL LAW.

LELLIS V. LAMBERT.—Motion by defendant to set aside verdict for plaintiff for \$2,250 in an action brought by May Lellis against Mary Lambert for damages, for alienation by defendant of the affections of plaintiff's husband. Defendant contended that the plaintiff should be non-suited, because the action does not lie. The Court held that the weight of authority is against such an action as the present, and that the action was not maintainable by a wife under the Married Woman's Property Act. Appeal allowed by the Court of Appeal for Ontario, and action dismissed with costs.

CRAWFORD V. CANADA LIFE ASSURANCE CO.—Appeal by defendants from judgment at the trial at Kingston, in favor of plaintiff in an action to recover \$902, the surrender value of an insurance policy for \$5,000 on the life of one Donald Fraser, claimed by plaintiff as assignee of Fraser for the benefit of creditors. The defendants had before action paid to Fraser himself the value of the policy, and the question raised was whether they had sufficient notice of the assignment to plaintiff before they so paid. The Court of Appeal for Ontario held that the notice given was insufficient.

ANDERSON VS. G.T.R. COMPANY.—Appeal by defendants from order directing judgment to be entered for the plaintiffs for \$3,000 damages in an action under Lord Campbell's Act, brought by the personal representatives of one William McKenzie, who was struck by a train of defendants while walking upon a railway track, and killed. The court below held that the deceased was properly upon the track at the time he was struck, as he was necessarily there in seeking egress from the station of the defendants at Lucan crossing, and that he was entitled to the benefit of the provisions of section 256 of the Railway Act, requiring warning by bell or whistle on approaching a highway, he being at the time only a short distance from the highway, and no warning having been given. Appeal dismissed with costs by Court of Appeal for Ontario.

TOWNSHIP OF CARADOCK V. TOWNSHIP OF EKFRID; TOWNSHIP OF METCALFE V. TOWNSHIP OF EKFRID.—Appeal by plaintiffs in both actions, and from report on decision of Mr. Britton, when drainage referee, in favor of defendants, the initiating township, dismissing an appeal from the report of an engineer upon a drainage scheme affecting the three townships. The principal question was as to the construction of section 75 of the Act of 1894. The Court of Appeal held that the defendants had jurisdiction to initiate the work. The majority of the court, however, held that the course pointed out by the statute in assessing for outlet was not followed. Appeal allowed with costs.

DOMINION BANK V. WATEROUS.—Appeal by defendants from judgment of Meredith, J., who tried the action without a jury at Brampton, in favor of plaintiffs establishing their lien for about \$900 upon certain lands now owned by defendants, and directing the enforcement of the lien by sale. The plaintiff's rights arise under an assignment of the lien from the Haggert Bros. Manufacturing Company, by virtue of an agreement made in 1884 between the company and two men named Harrad, who then owned the land. The lien was for payment of the price of an engine sold to the Harrads by the company. The defendants are purchasers of the land for value with notice of the lien. They contended that they were entitled to consider the lien at an end by virtue of certain dealings and transactions between the Harrads and the company. Appeal allowed, with costs, and action dismissed, with costs, by the Court of Appeal for Ontario.

DAVID A. PENDER,

(Late of Foster & Pender)

Accountant, Auditor, Assignee,

28 Wellington St. East,

Toronto.

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