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References { The Canadian Bank of Commerce.
The Union Bank of Canada.

DECISIONS IN COMMERCIAL LAW.

FLEMING V. LONDON AND LANCASHIRE ASSURANCE CO.—To cover the first premiums upon two policies of assurance, the assured gave to the company's agent his promissory note and the promissory note of his brother, payable to the agent's order. Each policy contained a provision that in the event of non-payment of a note given for a premium the policy should become void. The agent discounted the notes with his own bankers, and in his return to the company treated the premiums as paid, and the company took from him his own note in their favor to cover the balance due by him, which included other premiums. The notes given by the assured and his brother to the agent were not paid, and after their maturity and dishonor the assured died. Two judges of the Court of Appeal held that what took place between the company and the agent was not equivalent to payment of the premiums, and that there being no mis-application by the agent or misleading of the assured, his representatives could not recover, and other two held that by discounting the notes the agent received payment of the premiums as between himself and the company, and the subsequent non-payment of the notes was entirely a matter between the agent and the makers. In the result, the judgment of Meredith, C.J., in favor of the assured's representative, was affirmed.

MCCAUSLAND V. HILL.—A covenant by a merchant carrying on a general business throughout the Dominion of Canada in all kinds of glass, not to be "in any way directly or indirectly engaged, concerned, or interested in the business of buying, selling, or dealing, in clear plate glass," in the Dominion of Canada for twenty years, made for adequate consideration, upon the formation by himself and other dealers in glass of a company to deal in clear plate glass in the Dominion of Canada, is good. Acting as agent or traveler for a firm dealing in clear plate glass in the Dominion of Canada is a breach of the covenant. An agreement by a company incorporated under the Dominion Joint Stock Companies' Letters Patent Act for the purpose of manufacturing, importing, and dealing generally in mouldings, picture frames, mirrors, plate glass, sheet glass, etc., etc., for the sale of its stock of plate glass to a company to be formed, with a covenant not to compete in the plate glass business with that company for twenty years, is valid, and is not an *ultra vires* abandonment of its powers. One party to an agreement made between a number of dealers in plate glass for the formation of a company to take over the plate glass business of each of them, each dealer covenanting not to compete with the new company when formed, may be restrained by the other parties to it from breach of the covenant, even after the formation of the new company, the parties complaining being at the time of the action shareholders in that company; this is a judgment of the Court of Appeal.

CAVANAGH V. PARK.—The provisions of the Workmen's Compensation for Injuries Act, allowing the defendant to set up want of statutory notice, are not complied with by alleging in the statement of defence that the notice of action relied on by the plaintiff is defective, or that notice of action has not been given, according to the Court of Appeal. The defendant must give formal notice of his objection, if he intends to press it.

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