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DECISIONS IN COMMERCIAL LAW.

POWELL VS. WATERS.—This controversy was in regard to the title to certain mines and minerals in the township of Hull. Several interesting points were involved. It was held that where the registered owner of lands was present, but took no part in a deed subsequently executed by the representative of his vendor granting the same lands to a third person, the mere fact of his having been present raises no presumption of ratification of the deed. Writings under private seal which have been signed by the parties but are ineffective on account of defects in form, may, nevertheless, avail as a commencement of proof in writing to be supplemented by secondary evidence.

THE MANUFACTURERS LIFE INSURANCE COMPANY V. ANCTIL.—The action was upon a policy of insurance issued by the company upon the life of one Pettigrew, deceased. The plaintiff Anctil alleged in his declaration that the defendants by a policy dated May 12th, 1894, promised to pay him \$2,000 upon furnishing proof of the death of Pettigrew; he affirmed the death of Pettigrew on October 9th, 1895, and the fulfilment of all the conditions of the policy including demand for payment. To this declaration the company made eighteen pleas with only three of which we are interested. They affirm that the plaintiff never had insurable interest in the life of Pettigrew, that the contract of insurance was one really by the plaintiff for his own profit upon the life of the deceased; and that the said policy was simply a wagering policy obtained with a view of making an illegal speculation. The case in appeal came before the Supreme Court. It was shown that the life of Pettigrew had been insured by the company in a policy made payable to Anctil at the instigation of the company's agent, Michaud, the only connection between the beneficiary and the insured being that the former is described as the latter's "protector," in that he had said he would provide for Pettigrew if ever he should be in want, on condition, to use his own words: "*Que la police serait donnée en mon nom.*" Anctil thus exacted that the policy should be entered into by the company directly with himself in his own name, and for this reason refused to accept a first policy which had been payable to Pettigrew's representatives. In the [second] policy issued according to these conditions, it appears that "Pettigrew never had and that it never was intended by the plaintiff that he should have any possession of the policy, any interest in it or control over it," and since "the plaintiff had no insurable interest in Pettigrew's life, the law pronounces the policy to be null and void." Since the law upon grounds of public policy pronounced the policy to be void the doctrine of estoppel had no application. It was argued that by the tontine provisions of the policy Pettigrew, if he lived fifteen years, would derive substantial profits from the policy, but this argument was held of no avail, among other reasons, because the policy could not continue in effect so long without the consent of Anctil, and that by express terms it is the *lawful holder* of the policy who becomes entitled to the benefit of its provisions. It was held by the Supreme Court of Canada that a condition in a policy of life insurance by which the policy is declared to become incontestable upon any ground whatever after the lapse of a limited period, does not make the contract binding upon the insurer in the case of a wagering policy.

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