

FERGUSON, J.

AUGUST 26TH, 1902.

TRIAL.

## LAISHLEY v. GOULD.

*Contract—Wrongful Dismissal—Subsequent Employment during Period Originally Contracted for—Damages.*

Action brought by the plaintiff for wrongful dismissal. Plaintiff entered into a contract on December 3rd, 1897, with the defendants the Gould Bicycle Co. of Branford to act as manager for three years at a salary of \$20 per week and a percentage on money sent to the defendants for sales. At the end of the second year of his service, the defendants sold their business and dismissed the plaintiff through no fault of his. Plaintiff sues for \$1,140, salary for one year and six weeks, and for three per cent. on collections from sales, his total claim amounting to \$2,220.

G. H. Watson, K.C., and S. C. Smoke, for plaintiff.

Wallace Nesbitt, K.C., and H. S. Osler, for defendants.

FERGUSON, J., held, that the plaintiff would be entitled to this amount, had he not immediately on being dismissed obtained appropriate employment in which during the said period of one year and six weeks he was paid \$3,300. This amount would in the ordinary case be subtracted from the damages recovered for wrongful dismissal, but here it exceeds the amount of the damages and consequently there are no damages coming to him.

Action dismissed with costs.

Watson, Smoke, & Smith, solicitors for the plaintiff.

McCarthy, Osler, Hoskin, & Creelman, solicitors for defendants.

ROBERTSON, J.

AUGUST 27TH, 1902.

TRIAL.

## SPOONER v. MUTUAL RESERVE FUND LIFE ASSOCIATION.

*Life Insurance—Validity of Policy—Lien against—Transferred Policy—Acceptance of Premium as Evidence of Contract—Foreign Companies—License to do Business in Canada.*

Action tried at St. Catharines. Plaintiff is the widow of George Spooner and alleges she is entitled to \$1,000 due on a policy payable to her if she survived her husband. He died on or about March 18th, 1901. He took out a policy with the Covenant Mutual dated September 9th, 1895. This policy was transferred by the Covenant Mutual to the North