

THE COURT (FALCONBRIDGE, C.J., STREET, J., BRITTON, J.) held that there should have been a nonsuit. Sarah McAnnany, the widow, was the sole trustee of her deceased husband's estate, and was charged with the duty of collecting the rents, and, after first paying for necessary repairs out of them, of dividing them between herself and her daughter, the defendant Frances Rabbits. These duties she delegated to Thompson by a power of attorney, and Frances Rabbits did not object to her doing so, but there is no evidence that she gave him any authority to pledge her credit. Thompson incurred debts for repairs, instead of paying for them out of the rents, as he should have done, and gave notes for the debts signed by him as attorney for Sarah McAnnany. The \$77.71 claimed by plaintiff is the balance of this debt, and it was all incurred before her death. The \$141.05 forming the remainder of the claim was incurred by Thompson after the death of the widow, after he had been notified by Frances Rabbits that his authority under the power of attorney had come to an end on the death of the widow, and without the pretence of any authority to bind either the Union Trust Company or the infants, the other defendants. Appeal allowed with costs and action dismissed with costs.