

of the Supreme Court of British Columbia and affirmed the judgment at the trial. On the appeal the defendants raised an objection on the ground of misdirection as to the question of contributory negligence which had not been taken at the trial nor in the court below, which their Lordships refused to entertain.

PRINCIPAL AND AGENT—COMMISSION ON SALE OF MINING PROPERTY  
—SALE ON TERMS DISAPPROVED BY AGENT—AGENT, EFFICIENT  
CAUSE OF SALE.

*Burchell v. Gourie and Blockhouse Collieries* (1910) A.C. 614. This was an action by an agent to recover a commission on a sale of mining property. The agent was employed to procure a purchaser and had introduced to the vendors a company which ultimately became the purchasers, but on terms disapproved of by the agent. The official referee to whom the action was referred had found in favour of the plaintiff, but the Supreme Court of Nova Scotia reversed his finding and gave judgment dismissing the action and the Supreme Court of Canada dismissed an appeal therefrom. On appeal, however, the Judicial Committee of the Privy Council (Lords Macnaghten, Atkinson, Shaw and Mersey), came to the conclusion that the referee was right and reversed the decision of the Supreme Court of Canada and restored the judgment of the referee.

COMMON SCHOOL LANDS FUND—ONTARIO AND QUEBEC—ARBITRATION—JURISDICTION OF ARBITRATORS.

*Attorney-General (Quebec) v. Attorney-General (Ontario)* (1910) A.C. 627. This was an appeal from the Supreme Court of Canada. In pursuance of statutory authority the three governments of Canada, Ontario, and Quebec, entered into a submission to arbitration as to matters arising out of the settlement of accounts under an award relating to the Common School Fund—and on behalf of Quebec it was claimed that certain moneys not actually received by Ontario should be regarded as constructively received by Ontario for the purpose of the division, the sums in question being the amount of certain deductions which Ontario was only entitled to make at its own expense. The Judicial Committee of the Privy Council (Lords Macnaghten, Atkinson, Shaw and Mersey) held that the Supreme Court of Canada was right in holding that the arbitrators had no