

Full Court.] McDONALD v. BROAD COVE COAL CO. [Feb. 7.
Goods sold and delivered—Authority of agent to purchase—Ratification—Evidence.

In an action brought by plaintiff against the defendant company for the price of certain articles alleged to have been sold by him to the company for use in connection with the construction of their line of railway it was shown that the articles sued for were sold to H., who acted as manager for defendant and were used by him in connection with the building of the road. It was also shown that plaintiff was employed by H. to do certain work on the road, and that this act of H. was recognized and ratified by the company, who paid plaintiff for the services rendered by him.

Held, that there was sufficient evidence to support a finding that the sale of the articles sued for was made to the company and not to H. individually.

D. McNeill, Q.C., for appellant. C. E. Gregory, for respondent.

Province of New Brunswick.

SUPREME COURT.

RUNCIMAN v. STAR LINE STEAMSHIP CO.

Negligence causing death.

The note of this case on p. 317 would more correctly read as follows:—

“*Held* on motion for a nonsuit on the ground that there was no sufficient pecuniary loss to the plaintiff, etc.”

Province of Manitoba.

QUEEN'S BENCH.

Killam, C.J.] ROBOCK v. PETERS. [April 11.

Mechanics' liens—Mechanics' and Wage Earners' Lien Act, 1898—Priorities between lienholders and mortgagees—Notice of lien—Subrogation of rights of unpaid vendor in favor of mortgagee paying him off—Practice—Defects in the statements of lien registered.

Trial of an action under the “Mechanics' and Wage Earners' Lien Act, 1898,” 61 Vict., c. 29, which was not defended by the debtor, but at which it was necessary to determine the respective rights and priorities as between the plaintiff, whose claim was for work and labor, another lien holder whose claim was for lumber and other materials supplied at different dates, and