

solicitor. As to others they were ordered to be added to the amounts due to the respective claimants and paid in the order specified.

McInnes, J. A. McDonald, J. J. Ritchie, K.C., and W. B. A. Ritchie, K.C., for various parties.

Townshend, J.] THOMPSON v. CORBIN. [Nov. 8.

Sale of goods—Boiler and engine—Warranty as to condition—Damages for breach.

In an action for the price of a boiler and engine sold by plaintiffs to defendant, defendant claimed damages for breach of contract on the part of plaintiffs in respect to the condition of the machinery at the time it was received. The machinery purchased was a mill for the manufacture of laths and was guaranteed by plaintiffs at the time of purchase to be "everything in running order." When the engine was set up on or about Nov. 16th it was found that it would not work. After several ineffectual attempts to repair it on the spot it was removed to Truro for repairs and was not set up, and in working order until January 16th. There was evidence that there was a large and profitable demand for laths during this time the benefit of which defendant wholly lost. It was also shewn that he had a number of workmen on the ground for the purpose of carrying on his business, and that they were idle in consequence of the failure to get the engine at work. Also that it would have been inexpedient under the circumstances to have discharged the men and to have taken the risk of re-engaging them or securing others when the mill was ready, but that they were given as much work as possible with a view to reducing the amount of loss.

Held, that defendant was entitled to recover for loss of the mill wages of the men and other expenses resulting from plaintiffs' breach of contract aggregating \$427.11.

W. B. A. Ritchie, K.C., and T. R. Robertson, for plaintiffs. W. F. O'Connor, and T. J. N. Meagher, for defendant.

Townshend, J.] IN RE BERRIGAN. [Nov. 10.

Fisheries Act—Violation by canning or curing lobsters without license—Distress not a preliminary to imprisonment—Excessive fees—Remedy.

Defendant was convicted for canning or curing lobsters with-