

DIARY FOR JANUARY.

- 1 Wednesday New Year's Day.
- 4 Saturday Chief Justice Moss died, 1881.
- 5 Sunday Second Sunday after Christmas. Christmas vacation ends.
- 6 Monday Epiphany. Heir and Devisee Commissioners sit. Last day for notice for Call.
- 7 Tuesday Weekly Court at London and Ottawa.
- 12 Sunday First Sunday after Epiphany. Sir Chas. Bagot, Governor-General, 1842.
- 13 Monday Winter (Jury) Assizes at Toronto, Hamilton, London and Ottawa.
- 14 Tuesday Court of Appeal for Ontario sits. Weekly Court at London and Ottawa.
- 19 Sunday Second Sunday after Epiphany.
- 21 Tuesday Lord Bacon born 1561. Weekly Court at London and Ottawa.
- 23 Thursday William Pitt died, 1806.
- 26 Sunday Third Sunday after Epiphany. Sir W. B. Richards died, 1889, aged 74.
- 28 Tuesday Weekly Court at London and Ottawa.
- 31 Friday Earl of Elgin, Governor General, 1847.

REPORTS AND NOTES OF CASES

Dominion of Canada.

SUPREME COURT.

Ontario.]

[June 26, 1895.
NORTH-WEST TRANSPORTATION CO. v. MCKENZIE.*Contract—Correspondence—Carriage of goods—Transportation Co.—Carriage over connecting lines—Bill of lading.*

Where a court has to find a contract in a correspondence and not in one particular note or memorandum formally signed, the whole of what has passed between the parties must be taken into consideration. *Hussey v. Horne Payne*, 4 App. Cas. 311, followed.

A shipping agent cannot bind his principal by receipt of a bill of lading after the vessel containing the goods shipped has sailed, and the bill of lading so received is not a record of the terms on which the goods were shipped.

Where a shipper accepts what purports to be a bill of lading under circumstances which would lead him to infer that it forms a record of the contract of shipment, he cannot usually, in the absence of fraud or mistake, escape from its binding operation merely upon the ground that he did not read it, but that conclusion does not follow where the document is given out of the usual course of business and seeks to vary terms of a prior mutual assent.

Appeal dismissed with costs.

Osler, Q.C., and *Lister, Q.C.*, for appellants.

Laidlaw, Q.C., and *Kappele* for respondent.