

**Province of British Columbia****COURT OF APPEAL.**

Macdonald, C.J.A., Irving, Martin, and  
Gallihier, JJ.A.]

[12 D.L.R. 683.]

**PICARD v. REVELSTOKE SAW MILL CO.**

*Company—Powers of managing director—Sale of business.*

The managing director of a company who has authority to manage and conduct its business, does not have implied authority to sell the entire assets of the company as a going concern, since such a sale does not relate to the carrying on of its business.

*Picard v. Revelstoke Saw Mill Co.*, 9 D.L.R. 580, varied.

The managing director of a company is answerable in damages to an optionee, where, without authority, he gave an option for the sale of the assets of the company, leading the optionee to believe that he was empowered to do so.

*Bodwell*, K.C., and *J. M. Macdonald*, for plaintiff, appellant.  
*S. S. Taylor*, K.C., and *Carter*, for defendants, respondents.

Full Court.] **SLATER v. VANCOUVER POWER CO.** [13 D.L.R. 143.]

*Master and servant—Liability for injury to servant—Safe place*  
*—Pole set in hole made by contractor other than defendant*  
*—Common employment.*

One who contracts to string wires on poles to be set by him in holes dug by another contractor, which were accepted as being sufficiently deep, is answerable for the death of a servant as the result of the fall of a pole on which he was working that was set in a hole not deep enough to hold it securely, since there was a failure to furnish a safe place in which to work.

The defence of common employment is not applicable where a servant's injury is due to the breach of the master's duty to provide a safe place in which to work.

*Ainslie Mining, etc., Co. v. McDougall*, 42 Can. S.C.R. 420, followed.

*D. G. Macdonell*, for plaintiff, respondent. *W. B. A. Ritchie*, K.C., and *Mather*, for defendants, appellants.