

ture of money in advertising and otherwise which the principal knew or had reason to believe the agent would make and incur to find a purchaser.

*Prickett v. Badger*, 1 C.B.N.S. 296, and *Rowan v. Hull*, 2 A. & E. Ann. Cas. 884, followed; *Simpson v. Lamb*, 17 C.B. 603; *Topin v. Healy*, 11 W.R. 466, and *Houghton v. Ogar*, 1 T.L.R. 653, distinguished.

Although the principal may have power to revoke the authority given to the agent, he has not always the right to do so without liability for damages.

*Ferguson, K.C.*, and *Collinson*, for plaintiffs. *Nason* and *Thomas*, for defendants.

Macdonald, J.]

[May 3.

RE ALBERTA AND GREAT WATERWAYS RY. CO.

*Evidence Act—Order for attendance of witnesses for purposes of inquiry by foreign tribunal—Whether commissioners appointed by the government of another province under an Act of its legislature are a court or tribunal—Constitutional law—Ultra vires.*

*Held*, 1. Commissioners appointed by the government of another province under an Act of its legislature to conduct an inquiry constitute a court or tribunal within the meaning of s. 57 of the Manitoba Evidence Act, R.S.M. 1902, c. 57, as re-enacted by 5 & 5 Edw. VII. c. 11, and an order may be made under that section at the request of such commissioners requiring the attendance of witnesses in Manitoba to testify as to matters within the scope of the commission.

2. If there is nothing to prevent such commissioners from coming to Manitoba to take evidence, the order may properly require the attendance of such witnesses before the commissioners themselves at any place within this province named by them, as well as before an examiner appointed by them.

3. Sec. 57 of the Manitoba Evidence Act may be regarded as relating to the administration of justice in the province, also to a matter of a merely local or private nature in the province, and so it is not ultra vires of the local legislature under the B.N.A. Act, 1867.

*Re Wetherall and Jones*, 4 O.R. 713, not followed.

*Robson, K.C.*, and *Coyne*, for witness. *Pitblado, K.C.*, and *Montague*, for the commissioners.