PRESCOTT v. TRAPP & CO.

*Supreme Court of Canada, Sir Charles Fitzpatrick, C.J., Davies, Idington,
Duff, Anglin and Brodeur, JJ. October 7, 1912.*

[*Trapp & Co.* v. *Prescott,* 5 D.L.R. 183, affirmed.]

SALE (§ II A—27)—*Sale by auctioneer for unnamed principal—
Implied warranty—Post-dated cheque.*]—Appeal from the judgment
of the Court of Appeal for British Columbia, *Trapp* v. *Prescott,*
5 D.L.R. 183, 17 B.C.R. 298, affirming the judgment of Grant
Co. J., in the County Court of Vancouver, which maintained
the action of the plaintiffs (respondents) with costs.

An auctioneer sold two horses, by public auction, to a bidder
who settled for the price by giving the auctioneer his cheque
post-dated several days after the sale, and the auctioneer then
gave his cheque for the purchase price, less his commission, to
the owners of the animals. The purchaser took possession of
the horses, but, on the following day, discovering that a third
person held a lien on them, he stopped payment of the cheque
which he had given at the time of the purchase. The plaintiff's
action for the recovery of the amount of the cheque was maintained
by the county court judge and his judgment was affirmed by the
judgment now appealed from, Irving J. dissenting.

After hearing counsel on behalf of the appellant, and without
calling upon the respondents for any argument, the Supreme
Court of Canada dismissed the appeal with costs.

McCrossan, for the appellant.

C. W. Craig, for the respondents.

Appeal dismissed with costs.

HIRTLE v. BOEHNER.

*Supreme Court of Canada, Sir Charles Fitzpatrick, C.J., Davies, Idington,
Duff, Anglin and Brodeur, JJ. May 6, 1913.*

[*Boehner* v. *Hirtle,* 6 D.L.R. 548, reversed.]

TRESPASS (§ I A—5) — *What constitutes — Overlapping of
boundaries—Grants from the Crown.*]—Appeal from a decision of
the Supreme Court of Nova Scotia, *Boehner* v. *Hirtle,* 6 D.L.R.
548, 46 N.S.R. 231, reversing the judgment at the trial by which
the action was dismissed and ordering a judgment to be entered
for the plaintiff (respondent).