

affixed his hand and seal on the day and year first above written.

Signed, sealed and delivered
in the presence of

Robert T. MacIlreith,
Mayor.

L. Fred. Monaghan,
City Clerk.

[Seal of City.]

F. W. W. Doane,

Witness to signature of mayor and clerk.

Warren L. Jacobens,

Witness to signature of president of company.

Neptune Meter Company,
M. G. Perrins, President.

J. Beard Kirkpatrick,
Secretary.

[Seal of Neptune Meter Co.]

The following telegram was sent by the plaintiff to the defendant:—

“New York, May 4th, 1908.

“His Worship the Mayor, Halifax, N.S.:

“We will furnish f. o. b. Halifax half or five-eighth inch Trident meters with couplings fitted with cast iron bottoms \$8.40, three-quarter in. \$12.60, plus duties, fitted with resilient frost bottom one half or five-eighth inch \$9.40, three-quarter inch \$13.60, plus duties.

“Neptune Meter Co.,

“J. H. Ballantine,

“Vice-President.”

The contract sued on is dated March 7th, 1908. It bears the seal of defendant corporation, and is signed by the mayor and city clerk. It is suggested that this document, when prepared, was not presented to and adopted by the city council as expressing the terms of agreement decided upon. The material particulars of the agreement, however, had been before the council in reports from the committee on works, and by the tenders or offers to supply the goods mentioned in the contract, and these were approved before the contract was executed.