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MARTIN V. NORTHERN PACIFIC EXPRESS Co. —M., sending a money parcel by express, received a receipt in a "money receipt book," which contained a provision that the money would be forwarded "subject to the printed conditions on inside front cover of this book," and one of such conditions was that the company would not be liable for any claim "unless such claim is presented in writing within sixty days from the date of loss or damage in a statement, to which a copy of this contract shall be annexed." The parcel was not delivered, and M. presented his claim in writing, but no copy of the contract was annexed. The Supreme Court of Canada held, reversing the decision of the Court of Queen's Bench of Manitoba, that M. must be held to a strict compliance with the conditions of his contract with the company, and his claim was barred for want of notice. M. brought an action for money had and received, to recover the value of the parcel. Held, that the company was not obliged to plead non-performance of the condition in answer to this action, as all necessary proof could be made under the plea of "never indebted."

WILLIAM HAMILTON MFG. Co. v. VICTORIA LUMBER AND MFG. Co.-A lumber company gave a verbal order for the construction of a boiler for a steam tug to the W. H. Mfg. Co., accompanying such order with a sketch or plan, but without any specifications or details other than those on the plan itself, which was prepared by the engineer of the tug. boiler was made and delivered to the lumber company, who placed it in the tug. It was not built according to the plan submitted, but was certified under the Steamboat Inspection Act as properly built, and showing a capacity to stand a working pressure of 128 lbs. to the square inch. After being used for six months it sprang a leak, and the manufacturing company having sued for the price, the lumber company counterclaimed for damages in consequence of defective construction. On the trial it was proved that no boilers were built according to the plan of the engineer; that if so built it would only stand a pressure of some 18 lbs., and that all the great ocean steamships had boilers of the design of the one in question. The engineer who had prepared the plan agreed with the other evidence as to the ocean steamers, but gave as his opinion that in one particular the boiler in question was defective, and that such defect caused the leak. The Government boiler inspector at Victoria, B.C., concurred in this opinion, and the court below awarded damages to the lumber company on their counter claim, affirming the judgment of the trial judge, but increasing the amount. Held by the Supreme Court of Canada, reversing the decision of the Supreme Court of British Columbia; that the evidence did not justify the judgment for the lumber company; that the experts on whose testimony the judgment was founded were not present at the time of the accident, and the evidence they gave was not founded on knowledge, but was mere matter of opinion, and no reasons were given, nor facts stated, to show on what their opinion was based: that it was mere conjecture, which should not be allowed to dispose of the case in hand, and still less to condemn, as defective in design and faulty in construction, boilers in general use all over the world; and that such judgment should not be allowed to stand, notwithstanding the concurrent findings of the two courts on a matter to be decided by evidence.

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