

joint jurisdiction over all boundary lines, whether or not they form also county boundary lines, which have not been assumed by the council of the county, etc.

The informant contends that sec. 433 enlarges the jurisdiction of the County of Huron over the boundary road in question in such manner and to such extent as to make the by-law applicable to this road, and so constitute the acts of the defendant, for which the conviction was made, a breach of that by-law.

I am of opinion that that contention cannot prevail. It has not been shewn that the county council has taken any steps to obtain for itself alone control and jurisdiction over this road, such as by assuming it as a county road under the provisions of sec. 446, sub-sec. 3, in which event it would have acquired the jurisdiction conferred by sec. 436, sub-sec. 1 (a), consequent upon which the soil and freehold would have become vested in the corporation of the municipality (sec. 433). In the absence of some such action on the part of the county, I do not think that, under the circumstances as they appear, the Act of 1913 has the effect of extending the limits of the county of Huron so as to make the by-law operative over the road in question. If the effect of sec. 439 is to confer joint jurisdiction on the two counties, then joint action on their part would become necessary; but it is not shewn that there is in existence any by-law of the county of Perth dealing with the licensing or regulation of hawkers, etc.

The only conclusion I can arrive at is, that the defendant was not liable to conviction for selling as he did.

The conviction should, therefore, be quashed with costs, but with a protection order to the magistrate.

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MIDDLETON, J.

SEPTEMBER 30TH, 1913.

BIRD v. HUSSEY-FERRIER MEAT CO.

*Company—Contract Made by Individual—Evidence to Establish Agency for Company—Failure to Shew Ratification—Authority of Director—Absence of Holding out—Apparent Authority—Liability of Individual—Novation.*

Action for a declaration that the defendant William C. Ferrier, in purchasing land and a butcher's business from the plaintiff, acted as agent for the defendant company and held the pro-