

FIRST DIVISIONAL COURT.

MARCH 14TH, 1918.

WALMSLEY v. HYATT.

ROBERTSON v. HYATT.

*Principal and Agent—Sale of Goods—Action for Damages for
Non-delivery—Contract—Authority of Agents—Ratification.*

Appeals by the plaintiffs and cross-appeals by the defendants from the judgment of KELLY, J., 12 O.W.N. 412.

The appeals and cross-appeals were heard by MEREDITH, C.J.O., MAGEE, HODGINS, and FERGUSON, JJ.A.

R. McKay, K.C., for the plaintiffs.

R. Wherry, for the defendants.

THE COURT dismissed the appeals with costs.

FIRST DIVISIONAL COURT.

MARCH 15th, 1918.

DOMINION NATURAL GAS CO. LIMITED AND UNITED
GAS AND FUEL CO. OF HAMILTON LIMITED v.
NATIONAL GAS CO. LIMITED.

Contract—Supply of Gas—Covenant—Exceptions—Breach—Injunction—Damages—Appeal—Variation of Judgment—Costs.

Appeal by the defendants from the judgment of MIDDLETON, J., 13 O.W.N. 254.

The appeal was heard by MEREDITH, C.J.O., MAGEE, HODGINS, and FERGUSON, JJ.A.

George S. Kerr, K.C., for the appellants.

George Lynch-Staunton, K.C., and A. M. Harley, for the plaintiffs, respondents.

THE COURT amended the injunction granted by the judgment below by adding to the exception "and such persons in Hamilton as by the Hamilton by-law they are obliged to supply;" and by adding a clause providing that the defendants shall pay to the plaintiffs 40 cents per thousand for gas supplied to the National