

papers were in the bank and could not be obtained until his return to Vancouver; that he wanted \$1,400, net to him, and if this was satisfactory he would complete the transaction on his return to Vancouver.

Held, that there was no concluded bargain between the parties. And also, that the defendants F. and F. had not represented that they were, nor assumed to act as, the owner's agents.

Macdonell and Brown, for plaintiff. *Craig, Bourne and MacGill*, for various defendants.

Full Court.]

BOLE v. ROE.

[Nov. 28, 1907.]

Practice—Appeal—Time for taking appeal under Water Clauses Act, 1897, R.S. c. 190, s. 39—"Decision."

In an appeal to the County Court judge from the decision of the Water Commissioner, objection was taken to the jurisdiction of the County Court judge under section 36 of the Water Clauses Consolidation Act. The objection was overruled. Section 39 of the Act provides for an appeal to the full Court by "any person dissatisfied with the decision of a judge of the Supreme or County Court . . . provided that notice of appeal be given to the opposite party within twenty-one days from such decision . . ."

Held, that the term "decision" as used in section 39 means the final disposition of the whole case before the Supreme Court judge, especially in view of the provisions in the section that such appeal shall be dealt with by the full Court in the same way as an ordinary appeal from a final judgment in an action in the Supreme Court.

Harris, K.C., for appellants. *Martin*, K.C., for respondents.

Clement, J.]

STEVENSON v. SMITH.

[Nov. 29, 1907.]

Principal and agent—Authority of agent—Delegation—Statute of Frauds.

An agent "thereunto lawfully authorized" within the Statute of Frauds, cannot delegate his authority.

An agent who, at the time of making a contract, has failed to bind his principal, by a written note, or memorandum within the statute, cannot sign an effectual note or memorandum after his authority as agent to sell has been withdrawn.

Martin, K.C., for plaintiff. *Wilson*, K.C., for defendant.