

of his manner of doing it, and vested in him, either tacitly or by direct authorization, the right and authority to transact the business of the company.

Held, that the plaintiff was entitled to recover from the company the value of his work. *Mahony v. East Holyford Mining Co.*, L.R. 7 H.L. 869, followed. *Wood v. Ontario and Quebec R.W. Co.*, 24 C.P. 334, commented on.

The undertaking having been sold by the provisional directors, free of all liens and incumbrances, for a certain sum of money, which was paid to them, and a portion of which was paid into court under an order in another action; all the provisional directors being parties to this action, and two of them submitting to the order of the Court and being willing that the judgment debt should be paid out of the fund in Court, an order was made, notwithstanding that the purchasers were not parties, directing payment of the plaintiff's debt and costs, and of the costs of the two directors out of such fund.

W. R. Riddell, for plaintiff. *D. W. Saunders*, for defendant comp ny. *S. H. Blake*, Q.C. and *H. M. Mowat*, for defendant Gorham. *D. L. McCarthy*, for defendants Burk and Dwyer.

Meredith, C.J., Rose, J. }
McMahon, J. }

WARREN v. VANNORMAN.

[June 29.

*Way—Right of—Prescription—Tenant—Slight deviations—Interruptions—
Appeal—Admission of new evidence—Erection of gate across way.*

The plaintiff, having omitted to give formal proof of his title at the trial, was allowed to supply it upon the appeal. Upon plaintiff's assent, the judgment was varied by awarding to the defendant leave to erect and maintain a gate across the end of the way in question. The decision of STREET, J., O.R. 84 affirmed on appeal. *Clendenan v. Blatchford*, 15 Q.R. 285, referred to. *Britton*, Q.C., for defendant. *J. A. Hutchinson*, for plaintiff.

Meredith, C.J., Rose, J. }
McMahon, J. }

REGINA v. LYON

[June 29.

Criminal law—Demanding property with menaces—Criminal Code, 1892, s. 404—Intent to steal—Evidence.

"Everyone is guilty of an indictable offence and liable to two years imprisonment who, with menaces demands from any person, either for himself or for any other person, anything capable of being stolen with intent to steal it;" Criminal Code, 1892, s. 404. The defendant was convicted by a magistrate of an offence against this enactment. The evidence was that the defendant went, as agent for others, to the complainant's abode to collect a debt from him; that the defendant threatened the complainant that if the latter did not pay the debt, he would have him arrested; that the defendant demanded certain goods, part of which had been sold to the complainant by the defendant's principals, and on account of which the debt accrued, but upon which they had no lien or charge; and the complainant, as he swore, being frightened by the threats and conduct of the defendant, acquiesced in the demand for the goods, which the defendant took away. The defendant swore that he demand-