

SASK.

C. A.

(3) Any person who, not being an architect and registered under this Act, supplies, for hire, gain, or hope of reward, plans, blueprints or specifications for use in the erection, enlargement or alteration of any building not being built for himself or by himself as contractor for another person, shall be liable on summary conviction to a fine not exceeding \$25 for a first offence and not exceeding \$100 for every subsequent offence, and he shall be incapable of recovering any fees, reward or disbursements on account thereof.

Had the defendant gone to the plaintiff on the day he cancelled his instructions to prepare plans, and asked for and received the plans in question, assuming them to have been completed, The plaintiff would not have been entitled to recover, because he was not then an "architect registered under the Act." If he were incapable of recovering his fees when his employment was terminated, and that was his position under the statute, I do not see how he could better his position by subsequent registration. It is, in my opinion, idle to contend that he supplied the plans after he became registered, for the reason that he was not then in the defendant's employment as an architect.

In my opinion, the appeal should be allowed with costs, the judgment below set aside, and judgment entered for the defendant with costs.

Appeal allowed.

LILLDAL v. RUR. MUN. OF MEOTA.

Saskatchewan Court of Appeal, Haultain, C.J.S., Newlands and Lamont, J.J.A. May 3, 1920.

SALE (§ II C—36)—Seed oats—Municipality authorized to sell to resident farmers—Sale to non-resident—Expression of opinion as to quality—Warranty—Consideration.]—Appeal by defendant from the trial judgment in an action for damages for breach of warranty. Reversed.

P. H. Gordon, for appellant.

T. D. Brown, K.C., for respondent.

The judgment of the Court was delivered by

NEWLANDS, J.A.:—The above named municipality passed a by-law under the authority of the Municipalities Seed Grain Act, 1917, 8 Geo. V. (Sask., 2nd Sess.), ch. 47, authorising the municipality to advance seed grain on credit to resident farmers within the municipality who, owing to bad crops or other adverse