

On the following day Manners replied to this letter, explaining the reason for the charges, and concluded his letter by saying that he "would be pleased to see you personally and talk the matter over."

According to the testimony of Greene, an officer of the appellant company, Manners, in accordance with the suggestion in his letter of the 20th July, had an interview with Greene at which he repudiated all liability of the appellant for the respondent's charges. Manners does not in terms deny this, but says that according to his recollection there were no repudiations of liability by the appellant until the following October.

On the 25th July, 1911, the following letter was written by the appellant to the construction company.

"Ottawa, Can., July 25-11.

The West End Construction Co.,

Ottawa, Ont.

Gentlemen;—Beg to enclose herewith bill from the Dominion Transport Co., for the moving of large crusher, which they have charged to us, also the correspondence we have had with them in reference to this bill. We think that this price is pretty stiff, and as you are acquainted with the facts, and as this should really have been charged to you direct, we think you had better take this matter up with them, as we think there is no need of us entering this in our books.

In the meantime we will also voice our complaint to Mr. Manners.

Yours truly,

The General Supply Co. of Canada Ltd.,

G. B. Harlock,

Sales M'gr. Mchy. Dept."

In my opinion the appellant is not liable for the respondent's charges. There was, as between the appellant and the construction company, admittedly no liability on the part of the appellant to deliver the machinery at the construction company's works; the appellant's duty was at an end when the machinery reached the Ottawa station of the Canadian Pacific Railway Co. The contract for the transport of it to the construction company's works was made between that company and the respondent, and Claff and Grey did not act or assume to act for the appellant in making the contract. If either of these gentlemen had assumed to act for the appel-