

R. 36; *Scott v. Pilkington*, 2 B. & S. 11, 41; *Re Henderson*, *Nouvion v. Freeman*, 35 Ch. D. 704; and made an order staying the action until after the disposition of the rule staying proceedings, without prejudice to an application by the plaintiff to remove the stay, if good reason is shewn therefor. Costs in the cause. *Grayson Smith*, for the defendant. *J. Bicknell*, K.C., for the plaintiff.

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MARKS V. MICHIGAN SULPHITE FIBRE CO.—FALCONBRIDGE, C.J.  
K.B.—MAY 23.

*Principal and Agent—Contract—Failure to Prove Agency—Sale of Goods—Ratification—Costs.*]—Action to recover \$438.75, a balance alleged to be due on 525 cords of pulpwood said to have been sold by the plaintiff to the defendants. The Chief Justice referred to the judgment of *MEREDITH*, C.J.C.P., in this case, ante 208, upon an appeal from an order of the Master in Chambers setting aside a default judgment and letting the defendants in to defend. The oral testimony adduced at the trial did not add much to the documentary evidence nor assist the plaintiff's case substantially. The Chief Justice's reading of the correspondence is that the defendants did not contract with the plaintiff, nor was *Nesbitt* the defendants' agent or employee, but that *Nesbitt* bought from the plaintiff and sold to the defendants. Two of the defendants' officers of 1894 swore that *Nesbitt* never was their agent or in their employment; and there was no holding out nor subsequent ratification to effect an adoption by the defendants of the contract or of *Nesbitt's* acts. The plaintiff therefore fails; but the defendants' conduct in the action has been such as to disentitle them to costs. Action dismissed without costs. *J. L. O'Flynn*, for the plaintiff. *W. J. Hanna*, K.C., and *W. H. Hearst*, K.C., for the defendants.

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PULLAN V. JONES—JONES V. PULLAN—MASTER IN CHAMBERS—  
MAY 25.

*Consolidation of Actions — Practice — Stay of one Action—Convenience.*]—Motion by the plaintiffs in the first action for an