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NEW BRUNSWICK.

SUPREME COURT EN BANC. SEPTEMBER 23RD, 1910.

GIBERSON v. TORONTO CONSTRUCTION COMPANY
LIMITED.

*Contract—Construction of Section of National Transcon-
tinental Railway—Sub-contractors—Principal and Agent
—Authority of Agent—Ratification—Estoppel.*

Motion by defendant company to set aside the verdict entered for the plaintiff at the Victoria Circuit Court, and to enter a nonsuit or a verdict for the defendants. Argued June sittings, 1910.

T. J. Carter, for plaintiff.

F. B. Carvell, K.C., for defendants.

The judgment of the Court, (BARKER, C.J., LANDRY, McLEOD, WHITE and MCKEOWN, JJ.,—BARRY, J., taking no part, being trial Judge), was now delivered by

BARKER, C.J.:—This was a case tried at the Victoria Circuit held in April last before Mr. Justice Barry, who, on the answers to certain questions submitted to the jury, entered a verdict in favour of the plaintiff for \$1,098.75, with leave to the defendants to move for a nonsuit or to have the verdict entered for them. The plaintiff is a resident of Arthurette in Victoria county, and carries on the business of farming and lumbering. The defendants are a corporation having their head office in Toronto. They were organised five or six years ago apparently with a view of contract-