

Full Court.]      HOLLINGSWORTH v. LACHARITE.      [Feb. 21.

*Contract—Consideration—Failure to complete contract—Thresher's Lien Act, R.S.M. 1902, c. 167.*

The plaintiff was employed to thresh the defendant's crops of wheat, oats and barley at prices agreed upon. He threshed all the wheat (over 2,500 bushels), but left 458 bushels of barley and 10 to 15 acres of oats unthreshed.

*Held*, that the promise of each party was the consideration for the promise of the other and that payment by the defendant was not intended to be conditional upon the threshing of all the crops, so that plaintiff had not, by leaving some of the work undone, forfeited his right to be paid for what he had done, or lost his right to seize under the Thresher's Lien Act, R.S.M. 1902, c. 167, a sufficient quantity of the grain he had threshed from which to realize the amount of his claim.

*Bettini v. Gye*, 1 Q.B.D. 187, followed.

*Hudson*, for plaintiff. *Coulter*, for defendant.

Full Court.]      ROSS v. MATHESON.      [Feb. 21.

*Principal and agent—Commission on sale of land—Necessity to get purchaser bound in writing.*

When the agent has found a purchaser ready, willing and able to carry out the purchase for the price and on the terms stipulated for by his principal, he will be entitled to his commission, although he has not secured a deposit or got the purchaser bound by any writing, in a case when the principal, after being informed of the willingness of the purchaser to buy, simply ignored the agent and dealt directly with the purchaser by selling the land to him at the stipulated price less the commission.

*Howell*, for plaintiff. *Mackenzie*, for defendant.

Full Court.]      JACK v. STEVENSON.      [Feb. 21.

*Animals running at large—Fences—Damages—Municipal Act, R.S.M. 1902, c. 116, ss. 643(b), 644(d).*

The power of a municipal council under sub-s. (d) of s. 644 of the Municipal Act, R.S.M. 1902, c. 116, to pass a by-law limiting the right of a land owner to recover damages for any injury