

THE ST. GEORGE PULP AND }
 PAPER CO. (DEFENDANTS) } APPELLANTS;

1906

*May 4, 7.

*May 14.

AND

FREDERIC E. ROSE (PLAINTIFF) RESPONDENT.

Contract—Sale of pulp wood—Measurement—Scaling of timber.

APPEAL from the judgment of the Supreme Court of New Brunswick (1) affirming the judgment at the trial maintaining the plaintiff's action with costs.

The action was for a balance claimed on two contracts for the cutting and delivery of pulp wood; the question at issue on the appeal being as to whether or not the plaintiff was entitled to have the measurement of the timber according to the full scaling of the logs or limited by the provisions of chapter 96, R.S. N.B. The judgment appealed from refused a rule for the reduction of the verdict or for a new trial.

After hearing counsel for the parties, the Supreme Court of Canada reserved judgment and, on a subsequent day, dismissed the appeal with costs for the reasons stated in the court below.

Appeal dismissed with costs.

Currey K.C. and *George J. Clarke* for the appellants.

Pugsley K.C. and *Ewing* for the respondent.

*PRESENT:—Sedgewick, Girouard, Idington and MacLennan JJ,

(1) 37 N.B. Rep. 247.