

1910

CANADIAN PACIFIC LUMBER CO. v. PATER-  
SON TIMBER CO. *et al.*

\*Oct. 4, 5, 6.

\*Dec. 9.

ON APPEAL FROM THE COURT OF APPEAL FOR BRITISH  
COLUMBIA.*Contract—Right to assign—Contracting firm becoming incorporated  
company—Novation—Breach of contract—Damages.*

APPEAL from the judgment of the Court of Appeal for British Columbia (1), dismissing an appeal, Irving J. dissenting, from the judgment of Clement J., at the trial, by which the plaintiffs' (respondents') action for damages for breach of contract was maintained with costs and the counterclaim of the defendants (now appellants) was dismissed with costs.

After hearing counsel on behalf of both parties on the appeal to the Supreme Court of Canada, judgment was reserved, and, on a subsequent day, the appeal was dismissed with costs.

*Appeal dismissed with costs.**Sir C. H. Tupper K.C.* for the appellants.*Craig* for the respondents.

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\*PRESENT:—Sir Charles Fitzpatrick C.J. and Girouard, Davies, Idington, Duff and Anglin JJ.