

CHARREST ET AL. V. MANITOBA COLD  
STORAGE CO.

1909

\*May 12, 13.

\*May 28.

*Bailment—Negligence—Evidence—Damages—Storage of meat.*

APPEAL from the judgment of the Court of Appeal for Manitoba (1), affirming the judgment of Dubuc C.J., at the trial, by which the plaintiffs' action was dismissed with costs.

The decision of the case depended upon evidence as to the condition of frozen meat placed in cold storage by the plaintiffs in the defendants' warehouse for safe-keeping. The trial judge found that the evidence established that the meat was in good and sound condition when delivered at the defendants' warehouse; that the warehouse was properly constructed for the purpose of cold storage, the plant of first-class modern type and sufficient power; that it was operated with proper care and by men of sufficient knowledge to conduct the business in an ordinary satisfactory manner, and that the actual cause of the spoiling of the meat, for which damages were claimed, had not been disclosed by the evidence. The judgment dismissing the plaintiffs' action was affirmed by the judgment now appealed from.

After hearing counsel for the parties on the appeal, the Supreme Court reserved judgment and, on a subsequent day, the appeal was dismissed with costs.

*Appeal dismissed with costs.*

Wallace Nesbitt K.C. for the appellants.

Ewart K.C. for the respondents.

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