

was the statement referred to. It was made out by the coal company and purported to sell to the partnership 996.39 tons of coke at \$9 per ton, \$8,967.51, less 5 per cent., \$448.37, equal to \$8,519.14. To this were added the 30 tons of coke screenings at \$5, \$150, making in all \$8,669.14. It was admitted by both parties that the term "inventory weights" was intended to refer to the railway rates; that is, the partnership was to accept the coke in the pile according to the railway rates, and that the deduction of 5 per cent. was to cover the shrinkage through drying out of the pile. The coal company contended that the quantity of coke was definitely fixed and agreed upon, as shewn by the statement, at 996.85 tons less 5 per cent. On the other hand, the trustee tendered evidence to shew an understanding between the parties as to the quantity. The learned Judge refused to admit this evidence, because it tended to vary or modify the written contract; and he found that the price of the coke taken over by the partnership was to be ascertained as follows: inventory or railway rates in the original pile, 2,129.29; 5 per cent. allowance for shrinkage, 106.46, leaving 2,022.83; deduct quantity removed, 1,102.44, and screenings 30, making 1,132.44: total tonnage, 890.39, which at \$9 per ton makes \$8,013.51, to which add 30 tons of screenings at \$5, making \$8,163.51 as the amount to be allowed the coal company upon this item, instead of \$8,669.14, as shewn in the statement, thereby adding \$505.63 to the cash payable by the coal company to the trustee upon the completion of the purchase. Judgment upon the issue accordingly. As the dispute was due to the somewhat loose way in which the terms of the bargain were settled on both sides, the parties should each bear their own costs. M. L. Gordon, for the coal company. A. E. Knox, for the trustee.

CORRECTION.

In BRITISH WHIG PUBLISHING Co. v. E. B. EDDY Co. LIMITED, ante 279, in the second line after the catch-words, change "18 O.W.N. 378" to "18 O.W.N. 255."