

APPELLATE DIVISION.

SECOND DIVISIONAL COURT.

FEBRUARY 24TH, 1919.

STEPHENSON v. BROWN.

Trees and Timber—Trees Cut on Plaintiff's Land in Excess of Authority—Finding of Trial Judge—Damages—Appeal.

Appeal by the defendant from the judgment of ROSE, J., ante 335.

The appeal was heard by MULOCK, C.J. Ex., CLUTE, SUTHERLAND, and MASTEN, JJ.

William Proudfoot, K.C., and G. H. Gilday, for the appellant.

James McCullough and John W. McCullough, for the plaintiff, respondent.

The judgment of the Court was read by SUTHERLAND, J., who, after stating the facts and reviewing the evidence, said that the findings of the trial Judge could not, upon the evidence, be disturbed.

Appeal dismissed with costs.

SECOND DIVISIONAL COURT.

FEBRUARY 25TH, 1920.

WATT v. HITCHCOCK.

Contract—Architects—Remuneration for Services—Quantum—Percentage of Total Cost of Work Done—Ascertainment upon Reference—Costs.

Appeal by the plaintiffs from the judgment of FALCONBRIDGE, C.J.K.B., 16 O.W.N. 355.

The appeal was heard by MULOCK, C.J. Ex., CLUTE, RIDDELL, SUTHERLAND, and MASTEN, JJ.

J. A. E. Braden, for the appellants.

T. G. Meredith, K.C., for the defendants, respondents.

THE COURT allowed the appeal with costs here and below on the Supreme Court scale. One month allowed to the parties within which to agree, if possible, as to the amount due to the plaintiffs.