

“ Quebec, 3rd January, 1818.

“ Messrs. Woolsey, Stewart & Co.

“ Gentlemen,

“ As we before informed you, rejected flour was of no use to us without the complement of fine; and as you have thought proper not to deliver the flour in question, agreeable to contract, we shall avail ourselves of our protest, having provided ourselves with flour elsewhere.”

We are, &c.

The merits of the incidental demand being the same as those of the demand in chief, it will be unnecessary to enter into details respecting it.

The parties were heard on both demands (*absentibus* the Chief Justice, and Mr. Justice Kerr) and the Court below, on the                    day of 181    pronounced judgment in the Cause, condemning the Appellants to pay to the Respondents the sum of £1325 *pour valeur en fleur & farine, tel que porté dans la déclaration filée en cette Cause.*

It is not the least remarkable feature in the cause that the value of the flour, &c. stated in the declaration filed in the cause was not £1325 but £1309, of which last sum £252 had been paid into court and received by the Respondents, so that by this judgment the Respondents would be entitled to receive from the Appellants two hundred and sixty-eight pounds more than they themselves state the value of the flour to have been.

By the same judgment the incidental demand was dismissed.

From the judgment, as well upon the demand in chief as upon the incidental demand, this appeal is brought.

Quebec, 20th July, 1819.