

from the two descriptions of wood and that the cost of hauling and cleaning mill wood is greater than that of round wood. It is obvious that the comparison is difficult, and the results can only be approximate. Stoppages seriously increase the cost of production. It is well known that in the early life of a manufactory like this mishaps occur. Such at all events was the case with this mill. The digesters, screens and barkers gave great trouble. It was suggested that these stoppages were due to some extent to the use of mill wood. It is due to Mr. Cushing for me to say that the suggestions are not in any way supported by evidence.

Mr. Clark's mill at Bangor, using slab wood, does a profitable business and the difference in results at the two mills is odd at first blush. The quality of the wood used, in my opinion, has contributed to the result. It does not pay to handle small wood, the waste is too great.

From the invoices I have reduced the wood to cords and comparing Mr. Cushing's estimate with Mr. Clark's at Bangor, have found the quantity of pulp wood to have been 16,029 cords and the fuel wood 16,225 cords.

Taking into consideration all the circumstances and

relations that existed between the parties I think that the defendant is only entitled to charge for the pulp wood actually used by the mill at the rate of \$1.90 per cord and at 90 cents per cord for fuel, allowing in addition the cost of hauling and piling. The wood taken by the plaintiff company from the field after defendant agreed to take it back must be paid for at defendant's price as piled.

The defendant's claim will therefore be \$49,958.38 and the credit of amounts paid in cash and laths \$52,391.30, leaving a balance due by defendant to plaintiff of \$2,432.92. The 1,600 cords of wood left and which defendant has agreed to take back invoiced at \$2,400, be declared to be the property of the defendant.

As to costs the judgment denies the plaintiff company any costs and decrees that the company shall pay to Mr. Cushing the costs of so much of the proceedings as the Lord Chancellor appointed in the case of Parker vs. McKee, wherein he said: "There is, however, on the other side a general principle as to the costs of the suit. It is in case a person has made himself liable to proceedings in equity or proceedings at law that the adverse litigant is entitled to make the court the place and the proceedings of the court the

means by which personal spite or party hostility is enabled to indulge itself in unfounded aspersions upon character. In my opinion that has been done here. Unfounded aspersions have been wantonly and recklessly made and the consequence of that is that this court is obliged to give effect to what is so often said it would do—make persons so dealing with the proceedings of this court pay and pay full in costs for it."

The Montreal River Pulp & Paper Company, largely composed of Toronto capitalists, has been granted an extension of time for the completion of its works by the Ontario Government. The agreement with the company was entered into by the Government on March 3, 1902, and called for the expenditure of \$100,000 within eighteen months of that date, of an additional \$200,000 within two years and another \$200,000 within three years of that date. The mills are to be erected on the Montreal river or on the Ottawa river above the town of Pembroke. The incorporators of the company include Peter McArthur, of Detroit, and W. C. Philips, C. B. Warren, William Kerr and E. F. B. Johnston, of Toronto.

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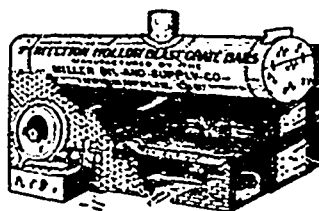
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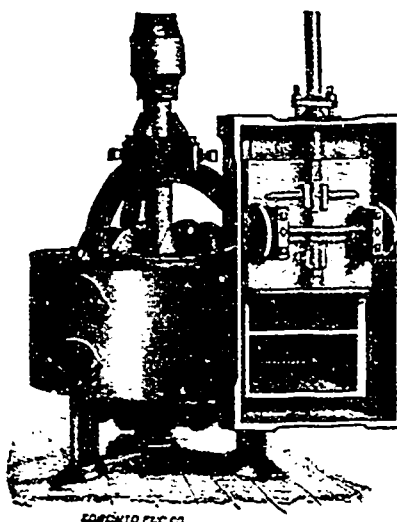
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