

W. H. Wright and J. C. McDonald, for plaintiff.

F. Smoke, K.C., and F. H. Kilbourn, for defendants.

HON. SIR GLENHOLME FALCONBRIDGE, C.J.K.B.:—The defendants endeavour to import into the contract a provision as to time, which cannot be done. The contract is of their own drawing.

The defects charged in manufacture, piling, etc., are not established by the weight of evidence. Plaintiffs' was a country mill and defendants had dealt with them before.

There will be judgment for plaintiffs for \$1,862.96 and costs.

Defendants complained of the mode adopted by plaintiffs in selling the lumber, as not tending to get the best price. They did not satisfy me that a better result could have been produced by any other method of disposing of it. But defendants may have a reference as to damages at their own risk, and in that event further directions and subsequent costs will be reserved.

Thirty days' stay.

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