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DUNN v. PRESCOTT ELEVATOR CO.

*May 29, 30.

Warehouseman—Negligence—Damages—New trial.

*Oct. 8.

APPEAL from the judgment of the Court of Appeal for Ontario (2), ordering a new trial.

After hearing counsel for the parties the court reserved judgment and on a subsequent day, dismissed the appeal, for the reasons given in the judgment from.

The Chief Justice was prevented by illness from taking part in the judgment.

Appeal dismissed with costs.

Leitch Q.C. for the appellant.

Shepley Q.C. and *French Q.C.* for the respondent.

* PRESENT :—Sir Henry Strong C.J. and Taschereau, Gwynne, Sedgewick and Girouard JJ.

(1) 6 Ex. C. R. 414.

(2) 26 Ont. App. R. 389.