

titled against the damages assessed for the bricks he took. All claims of either party not specifically mentioned to be taken as determined against the claims. The plaintiff to have costs against the defendant. A. C. McMaster and J. H. Fraser, for the plaintiff. C. A. Masten, K.C., and W. M. McClemon, for the defendant.

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RE GODSON AND CASSELMAN—KELLY, J.—JUNE 1.

*Vendor and Purchaser—Agreement for Sale of Land—Title—Application under Vendors and Purchasers Act—Parties.*]—Motion by the vendor, under the Vendors and Purchasers Act, for an order declaring that the vendor could make a good title to land, the subject of an agreement for sale, under a conveyance from a devisee, notwithstanding a restraint upon alienation. The motion came originally before MEREDITH, C.J.C.P., who (5 O.W.N. 814) gave leave to renew it when all such persons as might take the land in the event of the restraint being held operative had been added as parties. The motion was renewed and came before KELLY, J., in the Weekly Court at Toronto. KELLY, J., said that the material now filed shewed that a large number of persons not made parties were in the class of those to whom notice was directed to be given. It was admitted by counsel for the vendor that the whereabouts of some of these necessary parties could not now be ascertained, and that it was not possible to have them served in the usual way with the necessary notice of proceedings. The application should be dismissed with costs, but without prejudice to any new application or proceedings the applicant might be advised to make or institute wherein the necessary persons could be made parties. C. W. Plaxton, for the vendor. J. H. Campbell, for the purchaser.

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RE PORT ARTHUR WAGGON CO. LIMITED (PRICE'S CASE)—  
SUTHERLAND, J.—JUNE 2.

*Company—Winding-up—Contributory—Shareholder—Prospectus—Application for Shares—Allotment—Notice.*]—Appeal by Philip I. Price from an order of the Master in Ordinary, in the course of a reference for the winding-up of the company under the Winding-up Act, R.S.C. 1906 ch. 144, confirming the placing of the appellant's name on the list of contributories in respect of 10 preference shares of the capital stock of the company. The appellant signed an application for 10 shares of preferred stock, dated the 3rd November, 1910; and upon the face of the appli-