

OCTOBER 1ST, 1907.

DIVISIONAL COURT.

PORT HOPE BREWING AND MALTING CO. v. CAVANAGH.

Company—Shares—Subscription—Increase of Capital Stock—Agreement to Take Shares before Issue of Supplementary Letters Patent—Amendment—Rights of Defendant under Contract.

Appeal by plaintiffs from judgment of MACMAHON, J., 8 O. W. R. 985.

H. A. Ward, Port Hope, and C. A. Moss, for plaintiffs.
W. E. Middleton, for defendant.

THE COURT (MULOCK, C.J., ANGLIN, J., CLUTE, J.), gave leave to plaintiffs to amend their statement of claim by setting up the contract made between plaintiffs and defendant, and directed that upon the amendment being made the plaintiffs should have judgment upon the contract for the amount of their claim, reserving, however, the rights of defendant under the contract. No costs of appeal or of action subsequent to issue of writ.

RIDDELL, J.

OCTOBER 2ND, 1907.

TRIAL.

FOSTER v. ANDERSON.

Vendor and Purchaser—Contract for Sale of Land—Construction—Time of Essence—Delay of Purchaser in Tender of Purchase Money and Deeds—Refusal to Award Specific Performance—Costs.

Action for specific performance of a contract for the sale by defendant to plaintiff of land.

W. J. Clark, for plaintiff.
G. H. Watson, K.C., for defendant.