

The Ontario Weekly Notes

VOL. XIX. TORONTO, OCTOBER 29, 1920. No. 7

APPELLATE DIVISION.

SECOND DIVISIONAL COURT.

OCTOBER 19TH, 1920.

FULLER v. STORMS.

Contract—Sale of Farm with Implements and Stock—Allegation of Purchaser that all Chattels not Delivered—Items of Claim—Success as to one only—Counterclaim—Mortgage—Waste—Injunction—Removal of Timber—Damages—Account—Reference—Costs—Appeal.

Appeal by the plaintiff from the judgment of KELLY, J., 18 O.W.N. 235.

The appeal was heard by MULOCK, C.J. Ex., MAGEE, J.A., RIDDELL and MASTEN, JJ.

E. G. Porter, K.C., for the appellants.

Gideon Grant and M. R. Allison, for the defendant, respondent.

THE COURT allowed the appeal of the plaintiff in respect of the injunction against waste, and dismissed the appeal in respect of all other matters; the respondent to be paid his costs of the appeal by the appellants.

SECOND DIVISIONAL COURT.

OCTOBER 20TH, 1920.

TORONTO HOCKEY CLUB LIMITED v. ARENA GARDENS LIMITED.

(TWO ACTIONS.)

Contract—Agreements between Associations for Commercialised Games—Enforcement—Reformation—Evidence—Corroboration—Damages—Services of Players—Loss of—Delivery up of Contracts—Injunction—Reference—Costs—Findings of Trial Judge—Appeal.

13—19 O.W.N.