

1465; but was entitled to recover in respect of mining claim M.R. 1753. Aside from the adjudication of the Mining Commissioner filed, the evidence satisfied the learned Judge that the defendant had not a title to the property in question, within the meaning of his guaranty, and it never was possible for the plaintiffs to obtain a patent or license from the Department. Neither the plaintiffs nor the defendant had a right to obtain conveyance of this claim. There were preliminary expenses which were recoverable, even if the defendant acted in good faith; and these should be fixed at \$85. It was not shewn that the plaintiffs demanded re-payment until about the time the action was commenced. Judgment for the plaintiffs for \$2,085, with interest from the date of the writ, and the costs of the action, but without costs referable only to the claim in respect of M.R. 1465; the defendant to have the right to deduct from the plaintiffs' costs \$15 for attendance in Court on the 3rd instant, when the only question involved related to the claim disallowed. G. H. Watson, K.C., for the plaintiffs. A. G. Slaght, for the defendant.

MILO CANDY CO. v. BROWNS LIMITED—LATCHFORD, J.—DEC. 10.

Contract—Rectification—Breach—Damages.]—Action for rectification of an agreement, for a declaration that there had been a breach of the true agreement, for the value of goods illegally removed from the plaintiffs' premises or for the return of the goods, and for damages. The agreement was for the purchase by the plaintiffs from the defendants of a business. At the trial (without a jury) the learned Judge found the facts in favour of the plaintiffs, and reserved judgment upon the question of damages. Judgment was now given for the plaintiffs for \$4,557.40 with costs, including the costs of a motion for an interim injunction. J. W. McCullough and S. J. Arnott, for the plaintiffs. W. N. Tilley, for the defendants.

CORRECTION.

In McLARTY v. DIXON, ante 347, the page of 6 O.W.N. where the note of the judgment of KELLY, J., is to be found, should be 330.