

THE
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CARTWRIGHT, MASTER.

OCTOBER 1ST, 1904.

CHAMBERS.

CITY OF TORONTO v. TORONTO R. W. CO.

(TWO ACTIONS.)

*Trial—Postponement—Determination of Questions Arising
in another Action Pending.*

Motion by the defendants to postpone the trials of these actions.

James Bicknell, K.C., for the defendants.

J. S. Fullerton, K.C., for plaintiffs.

THE MASTER.—In these, and several other similar actions, the plaintiffs seek to recover a penalty of \$100 a day for a period of 4 months more or less, amounting to about \$12,000. The cause of each action is the alleged violation by defendants of the terms of the contract made between the parties on 1st September, 1891.

These violations may be shortly described as non-observance by defendants of the time table approved by the city council on 11th April, 1904, and forwarded to defendants on the following day.

The parties have from the first differed and continued to differ as to the true meaning and interpretation of the original agreement.