

to the incorporation and powers of companies intended to operate and control a public or municipal franchise; and this statute, read with the Telephone Act and the Municipal Franchises Act and other statutory provisions, makes a consistent and compact body of legislation. But this has been the result of growth. The difficulty has arisen from the fact that this company had its charter and the contract before the law had assumed its present form.

The provisions of the Municipal Franchises Act do not apply to a telephone company.

Action dismissed with costs.

MASTEN, J.

MARCH 21ST, 1918.

*RE BRENZEL AND RABINOVITCH.

Vendor and Purchaser—Agreement for Sale of Land—Title—Requisitions—Description in Deeds—Admissibility of Parol Evidence to Identify Lands Described with Lands Occupied by Vendor, Subject of Agreement—Finding upon Evidence—Good Paper Title Shewn.

An appeal by Brenzel, the purchaser, from the certificate of George S. Holmested, K.C., an Official Referee, of his findings upon a reference as to title made to him by an order of a Judge upon an application under the Vendors and Purchasers Act.

Rabinovitch agreed to sell and Brenzel to buy "house and premises number 115 Wolseley street, Toronto, with appurtenances and vacant lot adjoining to the west (up to the east wall of house number 119 Wolseley street), having a frontage of at least 51 feet by an even width of at least 110 feet to Willis street in the rear; the said premises having a frontage on Wolseley and Willis streets."

The agreement contained a proviso that "the title is good and free from all incumbrances save as aforesaid, and is not altogether or in part a title by possession."

The Referee found that the vendor could sufficiently answer the 11th and 12th requisitions on title delivered by the solicitors for the purchaser, as follows:—

"11. Required production and registration of a proper grant from all parties interested in these lands so as to give our client a clear title to lands having a frontage of 53 feet 4 inches by a depth of 117 feet 11 inches.