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No. 3

APPELLATE DIVISION.

SECOND DIVISIONAL COURT.

MARCH 15TH, 1916.

CANADA STEAMSHIP LINES LIMITED v. STEEL CO. OF
CANADA LIMITED.

*Contract—Carriers—Action by, for Freight—Deduction of Sum
for Damages—Failure to Prove Damages—Judgment for
Amount Due for Freight without Prejudice to Futura
Action.*

Appeal by the defendants from the judgment of BRITTON, J.,
9 O.W.N. 351.

The appeal was heard by MEREDITH, C.J.C.P., RIDDELL, LEN-
NOX, and MASTEN, JJ.

G. Lynch-Staunton, K.C., for the appellants.

R. I. Towers, for the plaintiffs, respondents.

THE COURT dismissed the appeal with costs.

SECOND DIVISIONAL COURT.

MARCH 13TH, 1916.

*GEORGE v. LANG.

*Mortgage—Action for Foreclosure Brought without Leave—In-
terest Accruing de Die in Diem under Special Clause in
Mortgage—No Default in Payment of Regular Gales of In-
terest—Mortgagors and Purchasers Relief Act, 1915.*

Appeal by the plaintiff from an order of CLUTE, J., in Cham-
bers, setting aside the writ of summons and dismissing the action,
which was brought (without leave of the Court) to enforce a
mortgage by foreclosure. The mortgage was made before the
4th August, 1914.

The appeal was heard by MEREDITH, C.J.C.P., RIDDELL, LEN-
NOX, and MASTEN, JJ.

*This case and all others so marked to be reported in the Ontario
Law Reports.

3—10 O.W.N.