

The
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No. 8

APPELLATE DIVISION.

NOVEMBER 3RD, 1913.

ALLEN v. GRAND VALLEY R.W. CO.

Contract—Supply of Goods for Railway Construction—Action for Price—Guaranty—Defence of Sureties—Variation in Terms of Contract—Evidence—Terms of Credit—Expiry before Action Brought—Counterclaim.

Appeal by the defendants the railway company and appeal by the defendants Verner and Dinnick from the judgment of KELLY, J., 4 O.W.N. 1578.

The appeals were heard by MEREDITH, C.J.O., MACLAREN, MAGEE, and HODGINS, J.J.A.

Grayson Smith, for the appellants.

H. E. Rose, K.C., and J. W. Pickup, for the plaintiffs.

THE COURT dismissed both appeals with costs.