

The appeal was heard by MEREDITH, C.J.O., MAGEE, HODGINS, and FERGUSON, J.J.A.

D. J. Coffey, for the appellant.

K. F. Mackenzie, for the defendant company, respondent.

THE COURT was divided in opinion.

MEREDITH, C.J.O., and HODGINS, J.A., were in favour of dismissing the appeal; MAGEE and FERGUSON, J.J.A., were in favour of allowing the appeal.

Appeal dismissed with costs.

FIRST DIVISIONAL COURT.

JUNE 11TH, 1918.

PERKINS ELECTRIC CO. v. ELECTRIC SPECIALTY AND
SUPPLY CO.

Contract—Order for Goods—Acceptance—Failure to Deliver—Repudiation of Contract—Specifications—Election—Notice—Damages.

Appeal by the defendant company from the judgment of MIDDLETON, J., ante 190.

The appeal was heard by MEREDITH, C.J.O., MACLAREN, MAGEE, and HODGINS, J.J.A.

J. R. Roaf, for the appellant company.

J. H. Spence, for the plaintiff company, respondent.

THE COURT dismissed the appeal with costs.