

THE
ONTARIO WEEKLY REPORTER

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BRITTON, J.

DECEMBER 9TH, 1907.

WEEKLY COURT.

CARROLL v. ERIE COUNTY NATURAL GAS AND
FUEL CO.

*Contract—Breach—Supply of Gas—Value—Damages—
Liability of Several Defendants—“Reservation”—Plant
“Exception”—Judgment—Construction of Contract—
—Evidence as to Damages—Measurement of Gas—
Computation—Reference—Report—Appeal—Costs.*

Appeal by defendants and cross-appeal by plaintiffs from report of local Master at Welland.

W. M. Douglas, K.C., and T. D. Cowper, Welland, for defendants.

G. F. Shepley, K.C., and W. M. German, K.C., for plaintiffs.

BRITTON, J.:—These appeals are in continuation of the long litigation between the parties, which began in 1894, growing out of an agreement for sale by the plaintiffs to the defendants the Erie County Natural Gas and Fuel Co. of certain wells and leases.

The agreement is dated 6th April, 1891. The plaintiffs were the owners of leases over gas territory, upon which were 16 wells, in addition to 2 in course of being drilled. The plaintiffs carried on the business of making quick lime, quarrying stone, &c. So far as I can make out from the evidence of the plaintiff S. S. Carroll, the plant which plaintiffs had at the time of the transfer consisted of 2 kilns,