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DECEMBER 30TH, 1905.

C.A.

HENNING v. TORONTO R. W. CO.

*Contract—Advertising Privileges—Renewal—Uncertainty—
Invalidity—Construction of Contract.*

The plaintiffs were entitled under agreement with the defendants the Toronto Railway Company to the exclusive privilege of advertising in the street cars for a term of three years, expiring on 31st August, 1904. By an agreement dated 30th April, 1904, the defendants the Toronto Railway Company granted to their co-defendants the exclusive privilege of advertising in the cars for a period extending (subject to prompt quarterly payments) to 1st September, 1907.

This action was begun on 18th May, 1904, seeking a declaration that plaintiffs were entitled to renewal of their agreement with defendants the Toronto Railway Company for a further period from 1st September, 1904, and that their rights were prior to those of defendants the Canadian Street Car Advertising Co.; an injunction restraining defendants the Toronto Railway Company from entering into a contract with any person other than plaintiffs; specific performance of an agreement for renewal; and in the alternative damages against the Toronto Railway Company.

TEETZEL, J., dismissed the action (5 O. W. R. 227), and plaintiffs appealed.

E. E. A. DuVernet, for plaintiffs.

D. L. McCarthy, for defendants the railway company.

S. B. Woods, for the other defendants.