

The Ontario Weekly Notes

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No. 8

APPELLATE DIVISION.

FIRST DIVISIONAL COURT.

APRIL 19TH, 1916.

*LLOYD v. ROBERTSON.

Will—Action to Set aside—Parties—New Trial.

Appeal by the defendants from the judgment of MEREDITH, C.J.C.P., 35 O.L.R. 264, 9 O.W.N. 339.

The appeal was heard by GARROW, MACLAREN, MAGEE, and HODGINS, J.J.A.

W. N. Tilley, K.C., and J. J. Coughlin, for the appellants.
Glyn Osler, for the plaintiff, respondent.

THE COURT directed that all proper parties should be added and a new trial had; the order for a new trial not to issue for one month; in the meantime counsel may make such arrangements as they deem best, and, if necessary, speak to the Court; costs reserved.

SECOND DIVISIONAL COURT.

APRIL 28TH, 1916

*ROBINSON v. MOFFATT.

Vendor and Purchaser—Agreement for Sale of Land—Judgment for Specific Performance—Title Free from Incumbrance—Objections to Title—Reference—Restrictive Conditions—Res Judicata—Execution against Lands of Vendor—Validity as to Interest of Vendor—Removal of Incumbrance—Rescission upon Failure to Remove—Return of Money Paid—Costs.

Motion by the plaintiff for further relief in pursuance of the judgment of a Divisional Court of the 26th November, 1915 (9 O.W.N. 209, 35 O.L.R. 9), and for judgment for the plaintiff with costs throughout.

When the motion first came before this Court, on the 13th

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