

\$500, but, even if she demands more, the Master must find that a good title can be made upon payment of the sum demanded. And such a finding will entitle the plaintiff to demand that the defendants pay that sum or that there be a deduction from the purchase money to that extent. See *Van Norman v. Beaupré*, 5 Gr. 599.

Such a result would, as it appears to me, be quite contrary to the intention and true agreement of the parties, and would inflict a hardship upon the defendants.

As the formal judgment is now framed, there is danger that, viewed in the light of the remarks of the learned Chancellor in giving judgment, it may be so interpreted as to impose that burden upon the defendants.

In my opinion, the agreement ought not to be enforced against the defendants, unless it appears on the reference as to title that the defendants can make a good title without the concurrence of Mrs. Gore, or that they can procure her concurrence for an amount not exceeding \$100, or that the plaintiff is willing to accept the land subject to her claim with a deduction of \$100 from the purchase price.

The judgment should be varied as indicated in the accompanying memorandum. The minutes may be spoken to in Chambers, in case of any difficulty.

#### JUDGMENT.

2. This Court doth declare that except as hereinafter declared, ordered, or directed, the plaintiff is entitled to have the agreement in the statement of claim mentioned specifically performed by the defendants, in case a good title can be made, and doth order and adjudge the same accordingly.

3. And this Court doth further declare that, if it shall appear that the defendants cannot make a good title without the concurrence of one Mrs. Gore in respect of her claim as mentioned in the evidence herein, they are not to be required to perform the said agreement unless such concurrence can be procured on payment of a sum not exceeding \$100, or unless the plaintiff is willing to accept the title subject to her claim with a reduction of \$100 from the purchase price of the lands in the pleadings mentioned, and doth order and adjudge the same accordingly.