

The Ontario Weekly Notes

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APPELLATE DIVISION.

SECOND DIVISIONAL COURT. OCTOBER 30TH, 1916.

POWERS & SON v. HATFIELD & SCOTT.

Contract—Sale of Goods—Formation of Contract from Correspondence—Acceptance of Offer—Absence of Ambiguity—Breach by Failure of Vendor to Deliver Goods—Abandonment—Rise in Market-price—Failure to Prove Damage—Time of Breach.

Appeal by the plaintiffs from the judgment of MIDDLETON, J.,
10 O.W.N. 198.

The appeal was heard by MEREDITH, C.J.C.P., CLUTE, RIDDELL, and MASTEN, JJ.

E. G. Porter, K.C., for the appellants.

G. H. Kilmer, K.C., for the defendants, respondents.

THE COURT dismissed the appeal with costs.

SECOND DIVISIONAL COURT. OCTOBER 30TH, 1916.

FOSTER v. MACLEAN.

Discovery—Examination of Plaintiff—Time for—Rule 336—Statement of Defence Delivered, but Particulars Ordered and not Delivered.

Appeal by the defendants from the order of BRITTON, J., in Chambers, 10 O.W.N. 457.

12—11 o.w.n.