JUSTICE MEREDITH, HON. MR. JUSTICE MAGEE, and HON. MR. JUSTICE LENNOX.

W. M. Douglas, K.C., for the defendant.

A. W. Anglin, K.C., for the plaintiff.

HON. MR. JUSTICE GARROW:—The action was brought to enforce specific performance of an alleged agreement in writing by the defendant, to sell to the plaintiff certain lands in the town of Sault Ste. Marie. The agreement is thus pleaded and set out in the statement of claim:—

"2. On or about the 16th day of June, 1911, the defendant agreed to sell to the plaintiff, and the plaintiff agreed to buy from the defendant, part of lot nineteen (19) on the north side of Queen street in the said town of Sault Ste. Marie, being the westerly half of said lot, south of King street, in the said town, except the westerly twenty-six and one-half feet ($26\frac{1}{2}$), for the price of six thousand four hundred and twelve dollars and fifty cents ($6,412.50), payable as follows:

"Two hundred dollars ($200 down, balance of nineteen hundred and thirty-seven dollars and fifty cents ($1,937.50), after approval of title and documents. Ptn. of equity about one thousand dollars ($1,000), equally in December 11th and June 12th, remainder semi-annually, about five hundred dollars ($500), in September and March each year, until paid. Int. 7%. A note or memorandum of which agreement is in writing and signed by Wilcox and Pardee by John B. Pardee, who were thereunto, by the defendant, lawfully authorized."

The agreement referred to reads as follows:—

"Sault Ste. Marie, June 16th, 1911.
"Received from Alfred W. Maybury,
"Two hundred dollars, a/c. purchase $28\frac{1}{2}$ ft. x 132, being pt. lot 19, N. Queen, adjoining Sault Star Buld. on East. Price, $225.00 per front ft. Terms, $200.00 down, blce. of $1,937.50 after approval title and documents. $500.00 in Sept. and March. Blce. of equity about $1,000, equally in Dec. 11th and June 12th. Remainder semi-annually, about $500.00 in Sept. and March each year until paid. Int. 7%. Purchase price, $6,412.50.
"Wilcox & Pardee, by Jno. B. Pardee."