

The
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APPELLATE DIVISION.

SECOND DIVISIONAL COURT.

JANUARY 13TH, 1919.

*CAMPBELL v. MAHLER.

Contract—Formation—Sale of Goods—Telegrams—Agents' Bought and Sold Notes—Statute of Frauds—Evidence—Letter Repudiating Contract—Omission of Statement of Time for Payment—“Shipment Opening Navigation”—“Terms Usual”—Custom of Trade—Immediate Payment where Shipment Deferred—Breach of Contract by Vendors—Damages—Costs.

Appeal by the defendants from the judgment of FALCONBRIDGE, C. J. K.B., 43 O.L.R. 395, 14 O.W.N. 348.

The appeal was heard by RIDDELL and LATCHFORD, JJ., FERGUSON, J.A., and ROSE, J.

R. G. Fisher, for the appellants.

G. S. Gibbons, for the plaintiffs, respondents.

THE COURT dismissed the appeal with costs.

SECOND DIVISIONAL COURT.

JANUARY 14TH, 1919.

WILKINSON v. STRAUS LAND CORPORATION LIMITED.

Nuisance—Water Conveyed to Plaintiff's Premises from Defendants' by Reason of Defective Conduit-pipes—Injury to Stock of Goods—Damages—Measure of—Indemnity—Lessor—Third Parties.

Appeal by the defendants from the judgment of FALCONBRIDGE, C.J.K.B., 14 O.W.N. 322.

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