

Privy Council Appeal No. 60 of 1915.

Charles F. Curry and another - - - - - *Appellants*

v.

Gordon M. McGregor - - - - - *Respondent.*

FROM

THE SUPREME COURT OF ONTARIO (APPELLATE DIVISION).

JUDGMENT OF THE LORDS OF THE JUDICIAL COMMITTEE OF
THE PRIVY COUNCIL, DELIVERED THE 14TH DECEMBER 1915.

Present at the Hearing:

VISCOUNT HALDANE.

LORD PARKER OF WADDINGTON.

LORD SUMNER.

[*Delivered by* VISCOUNT HALDANE.]

Their Lordships do not think it necessary to hear the respondent in this case. Under ordinary circumstances they would take time to consider their judgment, but the case is one which, now that the point as to the Statute of Frauds turns out to be untenable, may be disposed of, with a single observation.

The remaining and only real contest is one as to the effect of the agreement in question, and as to this two courts have found substantially to the same effect. Under these circumstances their Lordships see no reason for disturbing the judgment of the trial judge; and they will humbly advise His Majesty to dismiss the appeal with costs.

In the Privy Council.

CHARLES F. CURRY AND ANOTHER

v.

GORDON M. MCGREGOR.

DELIVERED BY VISCOUNT HALDANE.

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