

VENDOR AND PURCHASER. See *Debtor and Creditor*.

Refusal of Vendor to perform—Specific Performance—Interest—Damages.—A vendor of real estate who unwarrantably refuses to accept the instalments of purchase-money stipulated in the contract of sale, declares the contract at an end because they were not offered at the time prescribed, and retains possession of the premises, is not entitled to interest on such moneys from the dates fixed for their payment by the contract to the date of the final decree enforcing specific performance: *King v. Ruckman*, 9 C. E. Green.

Where, under a contract for the conveyance of real estate, a certain sum was to be paid at the delivery of the deed, and the balance was to be secured by mortgage payable in five equal annual instalments from the date of the agreement, but, by reason of the vendor's refusal to perform the contract, and of the delays in the suit brought to enforce it, five years elapsed before final decree compelling performance was obtained, the vendee will not be required to pay such balance in cash; it may be secured by mortgage upon the terms provided in the contract: *Id.*

The rule of law, that where a vendor of real estate unwarrantably refuses to execute his contract, the rule of damages applicable in cases of sale of personal property is in all respects apposite, and that the measure of damages is the difference between the contract price and the market value at the stipulated time of delivery, will be adopted as the rule for the measurement of damages in a suit for specific performance, when it suffices for the equity of the case: *Id.*

Compensation or allowance to either party in respect to lands which the vendor held contracts for but was unable to convey, refused: *Id.*

WAGER. See *Contract*.

WITNESS. See *Constitutional Law*.

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