

HON. R. M. MEREDITH, C.J.C.P.: — These cases have come on for trial, and have been heard, under circumstances by no means those most conducive to that which ought to be the object of all litigation—a just determination of all matters in question between the parties, speedily.

The first named case was entered for trial at the sittings of this Court, here, beginning on the 23rd day of September last, when the defendants sought, and in more than one way endeavoured to obtain, delay; and eventually, agreeably to all parties, the trial was postponed until this day, here, and the sittings of the Court adjourned accordingly.

One of the reasons for granting the delay was that the other of these two cases was pending, but not ripe for trial; and, as it arose out of the same transactions and depended upon the same facts as those involved in the other case, it was desirable that the two cases be heard together, or at all events at the same sittings of the Court, not only for the purpose of saving expense, time and inconvenience, but also to avoid inconsistent judgments which might be the result and possibly—owing to different evidence at the different trials—the necessary result of such a severance of the trials. And so it was part of the arrangement for delay, agreeable to all parties, that the two cases should be tried here to-day, and they have come on for trial accordingly; but neither counsel for the parties Bailey and Hehl nor either of them in person, is present; nor is any satisfactory reason for their absence given.

In these unsatisfactory circumstances—attributable perhaps to some unlooked for indisposition—after some delay for the purpose of enabling those who represent the other parties to communicate with those who represent the absent parties, and those present being unwilling that the cases should go over until the next sittings of the Court here, the trial of the first mentioned case proceeded, and is now concluded, *ex parte*; and I must now determine it regardless of the fact that there may be an application for a new trial, and a new and full trial of it.

The land in question became suddenly property of highly speculative value, owing to the possibility of the establishment of a large manufacturing industry near it; and land agents of all sorts began to hover about it; the first two to alight procured, in about 15 minutes, they say, from the owner of the land in question—William Neil, one of the de-