

8 Sim. 346; Winton v. Collins, 5 N. R. 345; Brock v. Garrod, 2 De. G. & J. 62.

I may say that I think the solicitor rightly objected to the attempt of plaintiff to sell the homestead as if he were the owner, and that the utmost he could properly offer for competition was his "option."

The action fails and should be dismissed with costs.

There are some chattels (not those mentioned in the pleadings) claimed by plaintiff, which defendants do not object to his taking off the farm. The list of these can be settled by the registrar after hearing the parties, and order made permitting plaintiff to possess himself of them within a reasonable time.

---

BRITTON, J.

JUNE 10TH, 1907.

CHAMBERS.

FLORENCE MINING CO. v. COBALT LAKE MINING CO.

*Trial—Postponement—Action to Recover Possession of Mining Lands—Act of Provincial Legislature Passed Pendente Lite Validating Title of Defendants—Petition for Disallowance—Grounds for Postponement.*

Appeal by plaintiffs from order of Master in Chambers, ante 38, dismissing a motion to postpone or stay the trial of the action.

The appeal first came before MULOCK, C.J., who adjourned it to come before the trial Judge.

It was then heard by BRITTON, J., at the Toronto non-jury Sittings, but before the case was reached upon the list, and virtually as a Chambers appeal.

J. M. Clark, K.C., for plaintiffs.

Britton Osler, for defendants.

BRITTON, J., allowed the appeal, and postponed the trial until the Toronto non-jury sittings, beginning in September, 1907. Costs to defendants in any event.