

## VENUE.

See "Practice," 1, 2.

## WATER-COURSE.

(DEFINED.)

See "Specific Performance," 10.

## WILD LAND TAXES.

1. In 1851 a party purchased 50 acres of lands, upon which he settled and paid the assessments for 1852, and subsequent years, but the assessment for 1851 had not been paid, for the amount of which (£2 1s. 9d.) twenty-four acres of the property were sold in 1859 by the sheriff, under the warrant of the treasurer for the wild land assessment, when the same were purchased by one of the bailiffs in the employ of a former sheriff. The portion sold was worth £7 10s. per acre. Although there was not any direct evidence of combination amongst the audience to prevent competition, still their conduct was such as to lead to that opinion. The court under the circumstances, following the cases of *Massingberd v. Montague*, (ante volume ix., page 92,) and *Henry v. Burness*, (ante volume viii., page 345,) set the sale for taxes aside upon payment of the amount which would have been required to redeem the land within the year, and interest since that time; of the amount might be applied in part payment of the amount

due upon a mortgage created on the land by the purchaser at the sale for taxes.

*Templeton v. Lovell*, 204.

2. Where at a sheriff's sale of land for taxes practices were indulged in by the audience which had the effect of checking fair and free competition, and the lands offered for sale were sacrificed, the court, in the absence of any direct proof of combination, granted relief to the owner of the land by setting aside the sale.

*Logie v. Young*, 217.

3. *Semble*.—It is the duty of the sheriff when he sees the intention of the legislature thwarted, by such practices, to declare to those guilty of them that he will not continue the sale under such circumstances, and that he will postpone it until a fair sale can be effected. *Ib*.

4 At a sale of land for taxes, the sheriff not having made himself acquainted with the land, its situation or the quality of the soil, was unable to correct an erroneous impression that prevailed among the audience at the auction as to the value of a lot, in consequence of which property that was worth £400 was sold as if doubtfully worth £20. On a bill filed to set aside the sale, held, that such omission of duty on the part of the sheriff was not a sufficient ground to disturb the sale to an innocent purchaser.

*Logie v. Stayner*, 222.