

time. KELLY, J., said that the liquidator had had several weeks within which to inform himself; but, so far, there was nothing to indicate what course he intended to take in respect to this claim. The applicant appeared to have advertised the property extensively, and to have given reasonable opportunity to possible purchasers to appear at the sale; he was in danger of losing the benefit of the sale if there should be further delay; and the property was one not readily saleable. Unless the liquidator, not later than twelve o'clock noon on the 17th July, should pay the amount properly due to the applicant on this claim, including the costs and disbursements of the sale, and the costs of this application, or give the applicant satisfactory security for such payment, the applicant was to be at liberty forthwith thereafter to continue the sale proceedings and carry out the sale; and be entitled to add to his claim the costs of this application. B. N. Davis, for the applicant. D. Inglis Grant, for the liquidator.

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DOUGLAS V. BULLEN—KELLY, J.—JULY 16.

*Trespass—Boundary—Interim Injunction.*—Motion by the plaintiffs for an order continuing until the trial an interim injunction granted on the 10th June, 1912, restraining the defendant from trespassing upon the plaintiffs' lands on the south side of Braedalbane street, in the city of Toronto. The plaintiff lands run southerly to the lands of the defendant, which front on the north side of Grosvenor street. The plaintiffs alleged that the defendant, in preparation for the erection of an apartment house on his lands, encroached to a small extent on their property, and that the proposed building would so encroach. KELLY, J., said that the amount of land in dispute was so small, and the value, having regard to its location at the rear of the two properties must be so insignificant, that it was surprising that an amicable arrangement had not been arrived at. It would be of service to neither party to continue the injunction as already granted, namely, restraining the defendant from entering upon the plaintiffs' lands, as the very matter in dispute was, what land at the place in question belonged to the plaintiffs. The final disposition of the dispute involved the settlement of the ownership of the disputed land and the fixing of the true boundary. This could not be done on the present application. Motion dismissed; costs to be disposed of by the trial Judge. A. McLean Macdonell, K.C., for the plaintiffs. F. C. Snider, for the defendant.