

# The Ontario Weekly Notes

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APPELLATE DIVISION.

MARCH 6TH, 1913.

LECKIE v. MARSHALL.

*Judicial Sale—Realisation of Vendor's Lien on Mining Property  
—Reserved Bid—Date of Sale.*

The following are the reasons for the judgment of the Court (the result of which is noted ante 889), delivered by MULLOCK, C.J.:—In this case an order was made directing the sale of the property in question, with the approbation of the Master in Ordinary; and the Master, in settling the advertisement, gave two directions: one fixing the date of sale, the 16th June, 1913; and the other, that the property be offered for sale subject to a reserved bid.

The respondents, who had a lien on the property, appealed from these two directions to Mr. Justice Britton; and he (ante 826) allowed the appeal in part, dispensing with a reserved bid, and changing the date of sale from the 16th June to a date not earlier than the 5th nor later than the 12th May, 1913.

The defendants appeal from the order of Mr. Justice Britton, and ask to have the two directions of the learned Master restored.

As to the proper date to fix for the sale, regard should be had to the nature of the property. In this case it consists of some five hundred acres of land in the Temagami Forest Reserve, said to contain valuable minerals, such as gold, copper, and arsenic. The defendants, we are told, have expended a large sum of money, in the vicinity of \$50,000, in improving the property, examining and testing, sinking of shafts, etc.

At this moment, it may be assumed, that there is a blanket of snow over the whole 500 acres of land, and that the shafts, which we were told in the argument were sunk in different por-