

LENNOX, J., IN CHAMBERS.

JULY 20TH, 1920.

RE TORONTO HUMANE SOCIETY.

Sale of Land—Mortmain and Charitable Uses Act, R.S.O. 1914 ch. 103, secs. 2 (2) (d), 7, 10—Land Conveyed to Humane Society by Deed of Gift—Time for Selling Fixed by Act—Extension of Time—Sale with “all Reasonable Speed”—Land Vested in Accountant of Supreme Court of Ontario—Notice to Accountant—Order for Immediate Sale—Execution of Conveyance.

Motion by the society, under sec. 7 of the Mortmain and Charitable Uses Act, R.S.O. 1914 ch. 103, for an order extending the time for selling lot 327 Albany avenue, in the city of Toronto.

Fletcher Kerr, for the society.

LENNOX, J., in a written judgment, said that the property was conveyed to the society, by a quit-claim deed of gift, on the 2nd March, 1917, and had not been sold within the two years limited by sec. 7 (1) of the Act. Why it was not sold within two years was not made to appear, and, in the circumstances, it was not necessary to inquire. The object or purpose of the grant was not therein stated, but the society was incorporated for purposes “beneficial to the community,” as defined by clause (d) of sub-sec. (2) of sec. 2 of the Act, and the object of the grantor and the purpose for which the property was held, namely, charitable uses, were therefore to be inferred.

The learned Judge was asked to extend the time for selling or disposing of the property, under sec. 7, until the 1st November next. The proceedings were not technically correct; but, by the combined effect of secs. 7 and 10 of the Act, the learned Judge had power, and it was his duty, upon a proper application, to “cause the land to be sold . . . with all reasonable speed.” Sub-section (2) of sec. 7 enacts that: “If the land is not sold within the two years, or within such extended period” (that, is by an order of extension *made within the two years*), “it shall vest forthwith in the Accountant of the Supreme Court, and sub-section 2 of section 10 shall apply thereto.” The provisions of this latter sub-section have not for their object an extension of time, but an order or direction to expedite the sale and disposal of the trust property “by the administering trustees thereof for the time being,” if acting properly and willing to act; with directions as to the persons to whom the purchase-money is to be paid.