

THE  
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FERGUSON, J. SEPTEMBER 24TH, 1903.  
CHAMBERS.

ROBERTS v. CAUGHELL.

*Report—Necessity for Confirmation—Sale under Judgment—  
No Bidders.*

Appeal by defendant from two orders of a local Judge made on the 8th September, 1903.

One of the orders professed to confirm a report on sale, dated the 4th September, 1903, but was not made upon the consent of the defendant, and the other appointed a new day for redemption and directed foreclosure in default of redemption.

E. Meek, for defendant.

F. E. Hodgins, K.C., for plaintiff.

FERGUSON, J.—The report on sale made by the Master at St. Thomas and dated the 4th September, 1903, though a report that there was no sale for want of bidders, was a report that might have been appealed from, and one that required confirmation. It was admitted that the order professing to confirm the report was bad; and that being so, the order for foreclosure was bad also, the report not being confirmed.

Appeal allowed with costs.

MACMAHON, J. SEPTEMBER 28TH, 1903.  
TRIAL.

KENT v. ORR.

*Timber—Agreement for Sale—What Passes under—Trespass  
—Injunction—Reference—Damages.*

Action to recover damages for trespass and cutting and removing timber from part of lot 13 in the 9th concession of