Court of Appeal Judgment Lawson Mine, Limited, Wins

these cases appeals were taken to the supreme court of Canada.

During the progress of the litigation some of the parties transferred their interest in the property or portions of it to others. This fact was well known to all concerned and by common consent the appeals to the supreme court were being prosecuted as if there had been no change of interest. John McLeod, one of the original parties, who had become of unsound mind, and who was represented by his committee, died while the appeals were pending, but this fact was unknown to any of the parties, even to the solicitors and counsel who represented his committee. Previous to his becoming of unsound mind he had joined with others in giving an option to purchase his interests to the defendant, John McMartin, and they were made parties to the action of McLeod v. Lawson.

While the appeals were being argued in the recting that the parties interested in the Crawford Mine property had entered into an agreement to transfer the said land to a company to be incorporated and organized and that under the said agreement of transfer Thomas Crawford shares belonging to each of the said four persons were defined and declared.

The Lawson Mines, Limited, applied to Thomas Crawford to convey the property and to his three associates for their consent to his doing so.

Millar and Bedells were willing and desirous that the agreement of the said four persons were defined and declared.

The Lawson Mines, Limited, applied to Thomas Crawford as conveyance of the property made as contemplated.

But Thomas Crawford and Samuel R. Clarke refused and instituted the first styled action in the name of Thomas Crawford as plaintiff against the Lawson Mine, Limited, and John McMartin to recover possession of and to restrain them from trespassing upon the property and an account of ore the contract of the said shares belonging to each of the said four persons were defined and declared.

The Lawson Mines, Limited in the Crawford and some ment of the said shares belonging to each of the said f

McLeod.

"(Sgd.) Geo. W. Bedells, P. Pro. C.

Millar.

"(Sgd.) S. R. Clarke, J. McMartin.

Thos. Crawford, C. Millar, Herbert E.

Lawson (by his counsel S. H. Blake),
John B. Holden (counsel for plaintiffs),
and John McMartin."

their co-defendants, Crawford and Clarke, to enforce the agreement made between them on the 6th of April, 1907, which was resisted by Crawford and Clarke.

Judgment of Chief Justice.

The actions and the counterclaim were tried together by the learned

Following the agreement the supreme court, on April 4, 1907, pronounced orders in each of the appeals, affirming the judgment of this court and dismissing the appeals without costs in

as applicable to mining companies, to be called "The Lawson Mine, Limited," a conveyance or transfer of all his with a capital stock of 5,000,000 shares rights, title and interest in the prowith a capital stock of 5,000,000 shares of which five per cent. was to be set apart as treasury shares, to provide for the working of the mine and otherwise for the purposes of the company. It was also agreed that the board of directors should be composed of seven persons, three of whom should form a quorum, and for reasons which appeared to commend themselves to the meeting, it was decided that J. Mc. Martin, Louis Henry, Timmins and David Alexander Dunlap should be three of those by whom application should be made to the lieutenant-governor in council by the issue of letters patent of incorporation of the com-

The size and particle that the about a present many of the company of the particle of the part

Full Text of Celebrated Mining
Action Which Has Been Dragging Thru Courts for Two Years
—All Three Appeals Are Dismissed With Costs.

The Lawson Mine, Limited, win the case which they have been fighting in the courts, by the judgment of the court of appeals. All three appeals in Crawford v. The Lawson Mine, Limited, et al., and McLeod et al. v. Crawford, all the rights, claims and interests in and to the Lawson Mine property.

Mine property. The Lawson Mine, Limited, thereupon went into possession and commenced mining operations thereon. And by instrument dated the listh October, 1907, the Toronto General Trusts Corporation in which were vested the interests of John McMartin, Clarence J. McCuaig, Alexander Marshall Hay and the Northern Exploration Crawford and John McLeod, granted, assigned, transferred and set over at the request of the said McMartin, McCuaig and the Northern Exploration Crawford v. The Lawson Mine, Limited, thereupon went into possession and commenced mining operations thereon. And by instrument dated the listh October, 1907, the Toronto General Trusts Corporation in which were vested the interests of John McMartin, Clarence J. McCuaig, Alexander Marshall Hay and the Northern Exploration Company, Limited, thereupon went into possession and commenced mining operations thereon. And by instrument dated the listh October, 1907, the Toronto General Trusts Corporation in which were vested the interests of John McLeod, promise and the Northern Exploration Crawford and John McLeod, granted, assigned, transferred and set over at the request of the said McMartin, McCuaig and the Northern Exploration Crawford and John McLeod, promise and the request of the said McMartin, McCuaig and the Northern Exploration Crawford and John McLeod, granted, assigned, transferred and set over at the request of the said McMartin, McCuaig and the Northern Exploration Crawford and John McLeod, granted, assigned, transferred and set over at the request of the said McMartin, McCuaig and the Northern Exploration Crawford and

Crawford v. The Lawson Mine, Limited, et al., and McLeod et al. v. Crawford et. al.

These two motions are, the judges comment, connected with the property which was in question in two former actions of McLeod v. Lawson and McLeod v. Crawford, which came before this court and were disposed of two years ago.

The property in dispute is generally known as the Lawson Mine property.

From the judgment of this court in these cases appeals were taken to the supreme court of Canada.

During the progress of the litigation

Campany to the Lawson Mine property vested in the said Toronto General Trusts Corporation.

Agreement to Transfer.

The undivided one-quarter share of interest to which Thomas Crawford was declared to be entitled had by agreement been divided in different proportions between him, Samuel R. Clarke, Charles Millar and George W. Bedells. And on the 6th of April, 1907, after the agreement of settlement made at Ottawa on the 3rd of April, these four persons entered into an agreement whereby after reciting that the parties interested in the Crawford Mine property had entered into an

others in giving an option to purchase his interests to the defendant, John McMartin, and they were made parties to the action of McLeod v. Lawson.

While the appeals were being argued in the supreme court, an agreement for the settlement of the matters in dispute was come to and on April 3, 1907, a paper, which was intended to evidence the agreement, was signed by all parties interested or their counsel.

Copy of Agreement.

The paper is, in the words and figures following:

"McLeod v. Lawson, Ottawa, April 3, 1907.

"Crawford v. McLeod, three appeals.

"We agree that all appeals are to be dismissed without costs here and below. We further agree to the formation of a company to take over the property at a purchase price of five million dollars in stock of the company at par value, the stock after providing for working capital to be divided between the parties in proportion to their interests, as ascertained by the judgments of the court of appeal.

"(Sgd.) R. McKay, counsel for John McLeod.

"(Sgd.) Geo. W. Bedells, P. Pro. C. co-defendants, Crawford and

The actions and the counterclaim were tried together by the learned chief justice of the common pleas. At the conclusion of the trial, which occupied the greater portion of five days, the learned chief justice deliverthe judgment of this court and dismissing the appeals without costs in any of the courts.

Tive Million Shares.

On April 13, 1907, a meeting for the purpose of arranging the carrying into effect of the other terms of the agreement was held at Toronto, at which all parties interested were present. After discussion it was agreed that a company should be incorporated under the Ontario Joint Stock Companies Act, as applicable to mining companies, to be called "The Lawson Mine, Limited," a conveyance or transfer of all his

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upon the parties in the acti

present appeals are concerned the appellant Thomas Crawford, who was a party to the actions, and Samuel R. Clarke, who claims under him, stand on the same footing. There were three

different appeals to the supreme court.

Lawson was appealing because, as he contended, the agreement under which he claimed gave him higher and greater rights than the judgment accordance with the contended him to be supremented by the court of the co

Thomas Crawford was appealing be-

rhomas crawford was appearing because, as he allieged, the agreement was invalid and not binding on him, because obtained from him by concealment and fraud, and also because, as

he alleged, the judgment erroneously determined that John McLeod was en-

titled to an undivided one-fourth in-terest in the property.

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to be in possession of and to work and mine for ore for such time as he might mine for ore for such time as he might indicate by notice to Thomas Crawford were quite immaterial to the main issues with which the learned chief justice dealt. They were merely preliminary to the main question in issue in the actions which he was trying viz.: the vallidity and effects of the agreements of the 3rd and 6th of April, 1507. In the same way much that was said with respect to the judgment of this court which was under appeal in the supreme court when the agreement of the 3rd of April was made appears to be wholly beside the question. Its validity or invalidity is not involved in the present actions and the learned chief justice rightly declined to enter into any question whether or not there has been false testimony. The present actions are not for the enforcement of the former judgment. But, having regard to the appeals taken therefrom to AMUSEMENTS SCARBORO BEACH
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mid-air ballet; The Flying Butterflies, denizens of the clouds;
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Banda, Picnic Grounds, Sand
Beach Bathing. LACROSSE actions are not for the emorcement the former judgment. But, having r gard to the appeals taken therefrom the supreme court and the final di position there made of them, in so f as the former judgment now com in question, it must be taken at treated as a valid adjudication bindie

TECUMSEH vs. TORONTOS **Rosedale Grounds**

Saturday, July 4th

"JUST ACROSS THE BAY" HANLAN'S TO-MORROW 13TH BAND OF HAMILTON PREE PREE

at the meeting of the parties interest-ed and others, the appellants, who had terest in the property.

In the face of these questions a compromise was suggested and finally accepted by all parties and the supreme court was asked to confirm the judgment and dismiss the appeals. This having been done the judgment must be treated as finally settling all questions concerning the rights of the parties in the property to the extent and in the manner therein declared.

And the substantial question before the learned chief justice was whether the agreement was binding upon the present appellants and whether it was one that could or should be enforced in the meantime received a copy of the agreement of the 3rd of April, the agreement of the 3rd of April, were present. The details of the steps necessary to be taken in order to carry that agreement into effect were fully discussed and decided upon. In this Clarke took an active part and it was at his suggestion that Messrs. McMartin, Timmins and Dunlop were named as directors. In view of all these circumstances it of all these circumstances it seemed late in the day to expect the learned chief justice to ac-

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