



FREEMAN, J.A.:

This is an appeal from a decision of Associate Chief Justice Palmeter of the Supreme Court of Nova Scotia who dismissed claims by the appellant against the respondents resulting from an unsuccessful bid by the appellant to buy two marine slipways at an auction.

The auctioneer had announced he would take bids on the slipways subject to the approval of the receiver for whom he was selling the goods of an insolvent shipyard. The receiver did not approve the appellant's bid. Palmeter A.C.J. found the appellant understood the terms on which his bid was received.

The appellant argued that this manner of conducting the sale was inconsistent with the basic requirements of a sale by auction.

Palmeter A.C.J. reviewed the law and made clear findings of fact. His comprehensive decision is reported in 144 N.S.R. (2d) 182. We have considered the arguments made on behalf of the appellant and we have not been persuaded that the trial judge erred in law nor in his assessment of the facts.

We dismiss the appeal with costs which we fix at forty per cent of the costs at trial, plus disbursements.

Freeman, J.A.

Concurred in:

Roscoe, J.A.

Bateman, J.A.

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