

The facts are peculiar, but their Lordships do not think that they involve any serious difficulty when once there has been a pronouncement by the Court that has the best opportunity of judging of the reliability of the witnesses, and in this case the Judge of first instance has found the material issues in favour of the respondent. Their Lordships think, therefore, that there is no necessity for them to give a judgment dealing with the facts at length, but that it suffices to say they are thoroughly satisfied that the judgments of the Courts below are right and should be affirmed. The appeal has been, in the opinion of their Lordships, pleaded with very great ability. Everything that could be said in favour of the view of the facts which the appellants wished to put before their Lordships has been said, but they do not feel that that has been sufficient in any way to shake their opinion of the accuracy of the judgments appealed from.

Their Lordships will, therefore, humbly advise His Majesty that the appeal should be dismissed, and the appellants will pay the costs.

Appeal dismissed.

IMP.
P. C.

COLONIAL INVESTMENT & LOAN CO. v. WEIHE.

Saskatchewan Supreme Court, Haultain, C.J. November 28, 1914.

SASK
S. C.

MORTGAGE (§ VI G—100)—*Sale Under—Basis Necessary for Sale.*—Action to enforce a mortgage by way of foreclosure or sale.

A. L. McLean, for plaintiff.

HAULTAIN, C.J.:—In this action, which was brought for the enforcement of a mortgage, the statement of claim asks for:—

1. Judgment for the amount due under the mortgage and interest; 2. Foreclosure on default of payment within a time to be fixed by the Court; 3. (Alternatively) Sale.

No appearance having been entered by the defendant, notice of motion for judgment was duly given on September 2, 1914. The notice of motion is for:—

1. An order *nisi* for foreclosure; 2. Judgment for claim and costs; and 3. For further or other relief.