

SUTHERLAND, J., IN CHAMBERS.

JUNE 25TH, 1915.

RE REID AND GOODERHAM.

Land Titles Act—Registration of Agreement Extending Time for Payment of Moneys Secured by Charge—Necessity for Execution by Owners of Charge—R.S.O. 1914 ch. 126, sec. 138, Rules 27, 28, 29, 30, 33.

Appeal by the executors of George Gooderham, deceased, from the refusal of the Master of Titles to record a document in the Land Titles office at Toronto.

The appellants were the owners of a charge upon land, and the document in question purported to be an agreement between Harriet M. Reid, the owner of the lands subject to the charge, and the appellants, whereby the time for payment under the charge was extended. The document was executed by Harriet M. Reid, but not by the appellants; and registration was refused because of such non-execution.

M. R. Gooderham, for the appellants.

J. R. Cartwright, K.C., for the Master of Titles.

SUTHERLAND, J., said that by reference to Rules 27, 28, 29, 30, and 33, passed and approved under the authority of sec. 138 of the Act (Land Titles Act, R.S.O. 1914 ch. 126), and particularly Rule 29, the principle on which the Master should act on entering in the register variations of the terms of a charge to which a title is subject, could be ascertained. In the learned Judge's opinion, the Master properly took the position that, before he could be called upon to register the document in question, it should contain the consent, evidenced by their execution of the document, of the persons in whose favour the charge existed, to the alteration in the terms of the original document.

Appeal dismissed with costs.