

1853.

Matthews
v.
Holmes.

"That at the time of the issuing of the said commission the said *Alfred T. Jones* was entitled to the equity of redemption of certain freehold property in the said town of London, being lots eleven and twelve on the south side of Dundas street east, and lots eleven and twelve on the north side of King street east, in the said town of London, which he, the said *Alfred T. Jones*, had assigned and transferred to *Edward Matthews*, late of London aforesaid, since deceased, by an indenture or assignment, under the hand and seal of him, the said *Alfred T. Jones*, bearing date the second day of September in the year of our Lord one thousand eight hundred and forty, to secure to the said *Edward Matthews*, nominally, the sum of one hundred pounds, which was stated to be the amount of a loan then made by the said *Edward Matthews* to the said *Alfred T. Jones*; but which sum of one hundred pounds was not in fact owing, but only a part thereof was owing, from the said *Alfred T. Jones* to the said *Edward Matthews* on the said second day of September, one thousand eight hundred and forty, and such part was alone in fact secured by the said assignment.

Statement

"That the said one hundred pounds was the sum then stated to be lent and advanced by the said *Edward Matthews* to the said *Alfred T. Jones*; but the said *Edward Matthews* retained and withheld out of the said sum of one hundred pounds the sum of fifteen pounds—an illegal bonus on the said loan—in addition to the legal rate of interest thereon; and the said *Edward Matthews* paid to the said *Alfred T. Jones* the sum of forty-four pounds out of the said one hundred pounds, and the remaining forty-one pounds he paid to the Government of this province for arrears due on the said lots; and on the twentieth day of January, one thousand eight hundred and forty-three, he, the said *Edward Matthews*, as assignee of the said *Alfred T. Jones*, under the said indenture or assignment, applied for and received letters patent from the crown for the said lots, and became the owner in fee thereof, subject to the equity of redemption of the said *Alfred T. Jones* in the said lots, on payment by him, the said *Alfred T. Jones*, of the sum of eighty-five pounds, and interest from the said second day of September, one thousand eight hundred and forty.

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