

REPORT OF CASES
ADJUDGED IN THE
COURT OF CHANCERY
OF
UPPER CANADA,
DURING THE YEARS 1853 & 1854.

IN APPEAL.

[Before the Hon. the Chief Justice of Upper Canada, the Hon. the Chancellor, the Hon. the Chief Justice of the Common Pleas, the Hon. Mr. Justice Draper, the Hon. Vice-Chancellor Esten, the Hon. Mr. Justice Burns, and the Hon. Vice-Chancellor Spragge.] July 1 & 2 and Sept. 22, 1853

ON AN APPEAL FROM A DECREE OF THE COURT OF CHANCERY.

MATTHEWS V. HOLMES.

Mortgage—Parol evidence.

The decree of the Court of Chancery in the cause of *Holmes v. Matthews* (ante volume 3, page 379) reversed, and the plaintiff's bill dismissed with costs.

The circumstances under which parol evidence should be admitted to give to an absolute deed the operation of a mortgage between the parties considered and discussed.

This was an appeal from the decision of the Court of Chancery, as reported in the third volume of these reports. Statement.

The bill in the original cause was filed by *John Holmes* (the respondent), as assignee of the bankrupt estate of *Alfred T. Jones*, against *Catherine Matthews* (the present appellant), stating:

B.

VOL. V.

*Chf. by P.C.
Sept. 108
9th Mo. 113*