

THE
ONTARIO WEEKLY REPORTER

VOL. X.

TORONTO, OCTOBER 3, 1907.

No. 19

SEPTEMBER 23RD, 1907.

C.A.

SASKATCHEWAN LAND AND HOMESTEAD CO. v.
LEADLAY.

Mortgage—Transfers of Land—Releases — Company—Impeachment for Fraud and Collusion—Redemption—Account—Terms—Time for Redemption—Withdrawal of Charges of Fraud — Postponement of Mortgage — Agent for Care and Sale of Lands—Compensation—Costs.

Appeal by plaintiffs from judgment of TEETZEL, J., dismissing the action.

The appeal was heard by MOSS, C.J.O., OSLER, GARROW, MACLAREN, MEREDITH, JJ.A.

A. B. Cunningham, Kingston, and J. J. Maclellan, for plaintiffs.

S. H. Blake, K. C., and W. H. Blake, K.C., for defendants the Leadlays.

W. Nesbitt, K.C., and A. J. Russell Snow, for defendants the Moores.

Moss, C.J.O.:—One purpose of the action was to impeach a mortgage dated 6th July, 1893, executed according to the form required by the Territories Real Property Act (Dom.), under the plaintiffs' seal, and by the hand of the defendant John T. Moore, their managing director, in favour of one Edward Leadlay (now deceased) and one Thomas Hook, em-