

given to this contention. The taxes in arrear when the action was commenced had since been paid, but the insurance premium was still due and unpaid. Nothing had been paid on the mortgage since September, 1914, and the defendants had been continuously in possession of the mortgaged land. The defendants invoked the Mortgagors and Purchasers Relief Act, 1915, as a ground for staying the proceedings; but the learned Judge was unable to see that the Act could be applied. Judgment for the plaintiff as prayed with costs; reference to the Local Master at Brantford. M. F. Muir, K.C., for the plaintiff. M. W. McEwen, for the defendants.

CURTIS V. ROBINSON—KELLY, J.—APRIL 7.

*Title to Land—Cloud on Title—Registered Conveyances—Action for Removal from Register—Res Judicata—Laches and Acquiescence.*]—Action for a declaration that two indentures registered upon the title to a parcel of land in the township of Brantford were null and void as against the plaintiffs, and that the registration thereof should be vacated and the land released therefrom. The action was tried without a jury at Brantford. The defendant relied on the title acquired through the conveyances attacked, which were made to her by her brother and sister on the 27th November, 1909, and contended that, notwithstanding the judgment of TEETZEL, J., in May, 1909, dismissing an action for redemption brought by the present defendant against the plaintiffs' predecessor in title, it was still open to her to raise the contention put forth in that action, and to assert, in respect of the position she now held as transferee of her brother and sister, the right denied her by TEETZEL, J., on her own personal claim of the same character. KELLY, J., said that, apart from other considerations, the decision of TEETZEL, J., not appealed against, was binding on him, and particularly so because the defendant, aware of the effect of it as she was, and having taken no steps to set it aside, soon thereafter, but subsequent to the purchase by Davis, the immediate predecessor of the plaintiffs, procured and registered conveyances from her brother and sister, and then quietly sat by and waited for several years without any active attempt to assert the right she claimed to have so acquired. Judgment declaring that the two conveyances attacked are null and void against the plaintiffs and against their title to the land, and that the registration thereof should be vacated. The plaintiff Charles Curtis to have his costs of the