

*Fred. J. Fulton, B.A. W.C.*

*Barrister, Solicitor, Etc.*

*Kamloops, B.C.* Nov. 21st. 1910.

James Goldie, Esq.,

Rainbow Ranche,

Okanagan, Centre, B. C.

Dear Sir,

I am in receipt of yours of the 17th. and have hunted up and perused the documents registered and filed in the Land Registry office here and find that on 2nd. January 1908 Maddock Bros. Ltd. mortgaged their property including their irrigation system to Rowell and Wilkie, who on 21st. May 1909 assigned the Mortgage to The Trusts and Guarantee Co. Ltd. On 1st. April 1909 Maddock Bros. Ltd. conveyed their real Estate to the Okanagan Valley Land Co. but the Conveyance does not mention the mortgage and does not specify any obligation to be assumed except some agreements of sale of sale of land.

I am sorry that I returned all the papers to you because I cannot remember the date of the Agreement between McAllister and Maddock Bros. nor whether it is expressed to be binding upon assigns, but I may say that I do not see what the mortgage has got to do with the matter. It was, if I remember right, prior to your agreement so that the latter could not be claimed by the Mortgagees. The Land Company is either the Assignee from Maddock Bros. or it is not. If not, then by what right does it claim to carry on its irrigation system. If it is the Assignee then I do not see why the Agreement should not be binding upon it because if I

