

leased by them and against thirty-three defendants. They discontinued against twenty-two. It is alleged that the thirty-three were not all that were interested in the equity of redemption. The action did not become fatally defective on the discontinuance, for although it is quite clear that all parties interested in the equity of redemption must be parties, they may be made parties either by writ or in the Master's office, *Jones v. Bank of U. C.*, 12 Gr. 429; *Buckley v. Wilson*, 8 Gr. 566, "where, after a mortgage being given, the equity of redemption is severed, so that different persons are entitled to redeem in respect of different parcels, these different persons must be made parties in a suit to foreclose the mortgage." See also in England, *Peto v. Hammond* (1860), 29 Beav. 91; *Caddick v. Cook* (1863), 32 Beav. 70; Halsbury's Laws of England, vol. 21, p. 279; *Griffith v. Pound* (1890), 45 Ch. D. at p. 567; *Gee v. Liddell*, [1913] 2 Ch. 62.

Under Rule 190 (now 490) if it appears to the Court or Judge that, by reason of their number or otherwise, it is expedient to permit the action to proceed without the presence of all, the Court or Judge may give direction accordingly, and may order the others to be made parties in the Master's office. After judgment the Master may order persons interested in the equity of redemption, other than those already named in the writ, to be added in his office. This is the proper practice after judgment. See *Portman v. Paul*, 10 Gr. 458.

The reason for requiring all parties to be before the Court, or to have notice, is that the mortgage account may be taken so as to bind all parties and so as to appoint either one day or successive days for redemption, and to enable redemption to be had by any party interested.

As put in *Faulds v. Harper* (1882), 2 O. R. 405; "the equity of redemption is an entire whole and so long as the right of redemption exists in any portion of the estate, or in any of the persons entitled to it, it enures for the benefit of all." The Court endeavours to make a complete decree, that shall embrace the whole subject, and determine upon the right of all parties interested in the estate; per Grant, M.R., in *Palk v. Lord Clinton* (1806), 32 Beav. p. 58.

If this were not so no one whose land is sold, if sale is asked, as it is in this case, can be sure, if he redeems the mortgage, that all other parties interested are bound by the