

a subsequent mortgage in full by reducing the amount of a prior execution, and this gives to a subsequent mortgage a better status as against a prior execution charged on the lands than existed when the mortgage transaction was effected between the owner and the mortgagee.

If this is the meaning and result of the Act, I do not feel disposed to extend its methods to the distribution of assets in this Court.

I do not think the analogy of the statute should be imported into these equitable proceedings. If the bank mortgage had been enforced by suit, the subsequent executions would have been wiped out if the creditors had not redeemed, and if foreclosure ensued that would leave the prior executions in full force. When the mortgage was made, it was subject to the existing executions, and there was no equity to have that mortgage paid out of the land in priority to the prior charges. The course of the Court is well settled and is carefully expounded in the cases cited and followed by the Master of *Roach v. McLachlan* (1892), 19 A.R. 496, and *Breithaupt v. Marr* (1893), 20 A.R. 689.

The appeal is dismissed with costs.

SUTHERLAND, J., IN CHAMBERS.

MARCH 9TH, 1915.

RE MACK.

Infant—Undivided Interest in Land—Motion for Authorisation by Court of Conveyance—Security for Purchase-money—Official Guardian—Refusal of Motion.

Motion by John H. Mack, the father of the infant Noel Calvin Mack, for an order authorising the disposition by the infant of all his interest in the Briseo House premises, in the town of Napanee, to W. J. Foster, the purchaser thereof, and authorising the execution of a conveyance by or on behalf of the infant so as to be binding on him.

The motion was heard at the sittings at Napanee.

U. M. Wilson, for the applicant.

D. H. Preston, K.C., for the Official Guardian.

G. F. Ruttan, K.C., for W. J. Foster.

SUTHERLAND, J.:— . . . The Briseo House property was bought by John H. Mack for \$6,000, and it is said that, at the re-