

ratepayers, and send in, based upon this compilation of the evidence, written arguments by the counsel. . . . They were not laid before me with the other papers till 27th January, 1905.

For all practical purposes, the judgment I now give is the only one that will be of any service to the parties, for the matters undisposed of are of slight importance, going back to the payment of \$6 from 5 different ratepayers in 1901.

Success being divided, I think there should be no costs to either party.

FEBRUARY 2ND, 1905.

DIVISIONAL COURT.

IMPERIAL TRUSTS CO. v. NEW YORK SECURITY
AND TRUST CO.

*Mortgage — Interest on Interest Accruing after Maturity of
Principal—Construction of Proviso.*

Appeal by defendants from order of IDINGTON, J., dismissing defendants' appeal from report of Master in Ordinary in a mortgage action.

The appeal was heard by BOYD, C., TEETZEL, J.,
MAGEE, J.

W. H. Irving, for defendants.

H. C. Fowler, for plaintiffs.

TEETZEL, J.—The mortgage in question contains the following proviso:—"Provided this mortgage to be void on payment of \$5,000 . . . with interest from the date hereof at the rate of 8 per cent. per annum as follows:—The said principal sum at the expiration of one year from the date hereof, and the interest at the rate aforesaid on the principal money from time to time remaining unpaid until the whole of same is satisfied, and as well after as before maturity thereof, quarterly on each and every 12th day of November, February, May, and August hereafter, the first of such payments of interest to be due and made on the 12th day of November next. . . .; it being agreed and understood that in the event of said interest not being punctually paid, the amount of same shall bear interest at the said rate from the date of its maturity until paid in like manner as if it were part of the principal, but this proviso shall not entitle the said mortgagor to any extension of time for payment of the interest on the said principal sum beyond the date hereinbefore provided for payment of the same." Then follows the