

The Ontario Weekly Notes

Vol. V.

TORONTO, JANUARY 2, 1914.

No. 15

APPELLATE DIVISION.

DECEMBER 23RD, 1913.

*THOMSON v. STIKEMAN.

Banks and Banking—Mortgages of Land to Bank to Secure Debt of Customer and Future Advances—Increased Indebtedness—Interest—Account—Bank Act, R.S.C. 1906 ch. 29, sec. 76, sub-sec. 2(c)—Unsecured Debt—Appropriation of Payments—Mortgagee in Possession—Purchasers from Mortgagor—Redemption.

Appeal by the plaintiffs from the judgment of MIDDLETON, J., 29 O.L.R. 146, 4 O.W.N. 1546.

The appeal was heard by MULOCK, C.J.Ex., HODGINS, J.A., and SUTHERLAND and LEITCH, JJ.

J. W. Bain, K.C., and M. L. Gordon, for the appellants.

W. N. Tilley and G. L. Smith, for the defendants, the respondents.

The judgment of the Court was delivered by SUTHERLAND, J., who, in a short written opinion, briefly stated the facts, referred to the authorities cited below, with the addition of *McHugh v. Union Bank of Canada*, [1913] A.C. 299, and stated that the Court agreed with the findings of facts and conclusions of law of the trial Judge.

Appeal dismissed with costs.

*To be reported in the Ontario Law Reports.