

assignee, or personal representative, he shall not continue any proceedings already commenced by him without the order required by section 2 or by section 3, as the case may be"—I am unable to see that this is a case in which an application was necessary to be made on the part of the mortgagees. Interest being in arrear at the time the writ was issued, the rights of the mortgagees were undisturbed by the Act.

The mortgagees in the proceedings thus far carried on were apparently unable to effect personal service on the defendants, and obtained an order for substitutional service. As I understood, no notice of this motion, of any kind, was given to the defendants, and no one therefore appeared for them thereon.

There will be no order as to costs, except that the applicants will not be permitted to add the costs of the motion to any costs incurred in the action.

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HODGINS, J.A., IN CHAMBERS.

APRIL 24TH, 1915.

TORONTO GENERAL TRUSTS CORPORATION v.  
RITCHIE.

*Mortgage—Sale Proceedings Taken to Realise Principal and Interest in Arrear—Mortgagors and Purchasers Relief Act, 1915, secs. 2(a), 4(3)—Leave to Continue Proceedings Unnecessary—Costs of Motion.*

Motion by the plaintiffs for leave to continue mortgage sale proceedings commenced under a mortgage dated the 28th May, 1909, in which proceedings it was sought to realise the principal, as well as the interest in arrear.

T. S. Elmore, for the plaintiffs.

N. D. Maclean, for the defendants.

HODGINS, J.A.:—The defendants object that the motion is unnecessary, as default was made in payment of interest, which continued until the proceedings were begun. The plaintiffs rely upon the language of sec. 2, sub-sec. (a), of the Mortgagors and Purchasers Relief Act, 1915, which provides that "no person shall take or continue proceedings by way of foreclosure, sale, or otherwise . . . for the recovery of principal money secured by any mortgage of land, or any interest therein, made or ex-