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TORONTO, JULY 25, 1913.

No. 44

HIGH COURT DIVISION.

BRITTON, J.

JULY 8TH, 1913.

HOME BUILDING AND SAVINGS ASSOCIATION v.
PRINGLE.

*Mortgage—Judgment for Redemption or Sale—Master's Report
—Appeal—Assignees of "Parts of the Equity of Redemp-
tion"—Subsequent Incumbrancers—Parties — Account —
Amount Due—Costs—Authority of Previous Decision.*

Appeal by the defendants McKillican and Smith from an interim report made by the Master at Ottawa, dated the 13th May, 1913.

C. H. Cline, for the appellants.

F. A. Magee, for the plaintiffs.

BRITTON, J.:—A previous report was made by the Master, and an application by way of appeal from it was made to Mr. Justice Sutherland, on various grounds, to open it up. This appeal was dismissed: see 3 O.W.N. 1595. An appeal from Mr. Justice Sutherland's order was taken to a Divisional Court. That Court thought the facts not fully found by the Master, and sent the case back for further inquiry: see ante 128.

After further inquiry, the Master made the report which is the subject of the present appeal. I have before me the findings of fact by the learned Master, his report, and his reasons for his findings and for his report. The appeal was argued ably and at length before me, and, in addition, there were placed before me the written arguments used before the Master and before my brother Sutherland and before the Divisional Court.