

The Ontario Weekly Notes

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APPELLATE DIVISION.

SECOND DIVISIONAL COURT. OCTOBER 18TH, 1916.

STOTHERS v. BORROWMAN.

Mortgage—Payment—Second Mortgage — Priority — Master's Report—Appeal.

An appeal by the plaintiff from an order of LATCHFORD, J., in the Weekly Court, 10 O.W.N. 367, dismissing an appeal by the plaintiff from the report of a Local Master allowing a payment of \$208.65 made on a first mortgage in priority to the plaintiff's second mortgage.

The appeal was heard by MEREDITH, C.J.C.P., RIDDELL, LENNOX, and MASTEN, JJ.

P. H. Bartlett, for the appellant.

R. G. Fisher, for the defendant, respondent.

THE COURT dismissed the appeal with costs.

SECOND DIVISIONAL COURT. OCTOBER 18TH, 1916.

COOPER v. ABRAMOVITZ.

Mortgage—Action for Foreclosure—Motion for Summary Judgment—Defence—Oral Agreement to Take no Proceedings—Effect of—Tenancy—Possession.

Appeal by the defendant Gussie Gross from the order of LATCHFORD, J., in Chambers, ante 35, affirming an order of the Master in Chambers for summary judgment in a mortgage action.