

them back, and the further fact that repairs were made from time to time upon the property incident to the business, I think the finding of the Referee as confirmed by my brother Teetzel was right.

The result is that the appeal and cross-appeal are dismissed except as to the declaration above referred to. As both parties have failed in their appeal, except upon a point in which they practically agree as to the question of sale, there should be no costs. There should be a reference back to the Master to make his final report and dispose of the question of costs under the original order of reference.

HON. MR. JUSTICE SUTHERLAND and HON. MR. JUSTICE LENNOX:—Agreed.

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