

no right to cast that labour upon the Court, and turn it into a Court of enquiry for their convenience."

I can see no escape from the conclusion that this matter must go back to the Master, so that he may add all those interested in the equity of redemption as parties. This is not done by serving a warrant, the practice adopted by the Master, as his report of November 6th, 1911, shews, but by formal order making and advising them as parties, see Rule 404. There should be added as well all those having any lien, charge or incumbrance upon the mortgaged premises or any part thereof subsequent to the plaintiff's mortgage. The Master's report of 13th May, 1913, states that this is not necessary, and in this he is wrong. I do not think that Rule 77 as to representation of classes of defendants was intended to apply or can be made use of when the parties, though numerous, have all separate and distinct interests in land, and rights to exoneration and contribution which differ according to their title and the date of its acquisition. But the Master has power to order substitutional service in a proceeding in his office under Rules 16 and 433.

No effective order, in the absence of these parties, can be made in this appeal on any of the other questions argued which will have to come up again, unless those now agitating them can by the exercise of discretion settle them out of Court. Nor have we power to make any order now under Rule 490.

No doubt the plaintiffs thought by their proceedings to save costs; but the result has been otherwise. The Master reports that the abstract brought in before him did not shew all the mortgage incumbrancers, nor the properties sold and discharged by the plaintiff. This is contrary to Rules 468 and 469.

Had the defendants, who are the appellants in this Court, made their position clear instead of clouding the issue before the Master by designating the others interested in parts of the equity of redemption as subsequent incumbrancers (see written argument on this point) and entitled to notice as such, they might have had their costs. But under the circumstances there should be no costs of the appeal to this Court or to Hon. Mr. Justice Britton.

The judgment appealed from, and the Master's report will be vacated, and the action remitted to the Master to be dealt with by him as indicated in this judgment.