

Moss, J. F. Smith, Cameron, Hoskin, Foy, Martin, Irving, Ferguson.

Mr. Murray, from the Reporting Committee, presented the following report, viz. :—

TRINITY TERM, 1884.

The Committee on Reporting beg leave to report as follows :—

1. The work done by the reporters since last term is satisfactory, but there is still considerable arrear in Chancery which the reporters of that Division are doing their utmost to bring out.
2. The Committee regret that the digest is not yet published, but they are assured that it will be ready in another fortnight.
3. The Committee have communicated with Mr. O'Brien and Mr. Armour, and these gentlemen will both be willing to publish early notes of cases on the terms expressed in the resolution, adopted by Convocation in the event of that resolution being adhered to, but Mr. O'Brien considers that the existing resolution of Convocation is very unjust to him.

All which is respectfully submitted.

(Signed) JAMES MACLENNAN,
Chairman.

12th September, 1884.

The report was adopted.

Mr. Murray moved, pursuant to leave, that the rule amending rule 119 (2), which was read a first time on the 2nd instant, be now read a second and third time. Carried.

The rule was read a second and third time.

Mr. Hoskin, seconded by Dr. Smith, moved, and it was

Ordered, That Mr. C. R. Irvine be called upon for an immediate explanation touching the advertisement inserted by him in a local newspaper in the following words :

"C. R. Irvine, M.A., Barrister-at-Law, successor to L. U. C. Titus, Esq. Special attention to all business. Notes and mortgages bought. Collections promptly attended to. Wills, deeds, mortgages and contracts drawn at moderate rates. Money to loan—terms to suit. In all matters charges fair. Mr. L. U. C. Titus will complete the business of his former clients and remain in the office ;"

Mr. Titus therein named having been struck off the rolls.

REPORTS.

ONTARIO.

(Reported for the CANADA LAW JOURNAL.)

MASTER'S OFFICE.

TRINITY COLLEGE V. HILL.

Opening foreclosure—Subsequent interest—Interest on costs—Mortgagee's costs of writs of fieri-facias.

Where a foreclosure is opened and the time extended for the payment of the mortgage money, subsequent interest is computed on the aggregate amount of principal, interest and costs found due by a decree or by a Master's Report.

Taxed costs carry interest from the date of taxation ; and in taking accounts under an order for redemption in a mortgage case, the mortgagee is entitled to interest on such costs, and also to the costs of writs of *fi. fa.* issued to enforce payment.

[Mr. Hodgins, Q.C.—October 14.

This was a reference to take account in a mortgage case where the foreclosure was re-opened. The case is reported in 2 O.R., 348 and *ante* p. 262.

Vankoughnet, Q.C., for plaintiffs.

Bain, Q.C., for defendants.

THE MASTER-IN-ORDINARY — In this case the Court of Appeal, reversing the judgment of Boyd, C., 2 O.R., 348, has allowed the defendants to redeem the mortgaged premises "on payment into Court of principal money, interest and costs, and subsequent interest and subsequent costs." The question discussed before me was whether this subsequent interest is to be computed on the aggregate amount of principal, interest and costs found due by the decree of the 14th of November, 1877, or only on the principal sum secured by the mortgage.

The judgment of the Court of Appeal leaves this decree untouched, but re-opens the foreclosure and gives the defendants further time to redeem on the terms above stated.

The cases on the question show what is the rule where the amount is ascertained by the Master's Report, and they appear to be consistent. In *Butler v. Duncomb*, 1 P. Wms., 453, Lord Chancellor Parker stated that a mortgagee "by getting reports of the money due might make his interest principal, as it must be after the report is confirmed." And in *Brown v. Barkham*, 1 P. Wms., 652, he said : "It is true a Master's Report computing interest makes that interest principal, and to carry interest ; for a report is a judgment of the Court."

The observations of Lord Loughborough in *Crense v. Hunter*, 2 Ves. jr. 157, are to the same