

GIBSON v. NELSON.

1902

*Foreclosure of mortgage—Redemption—Assignment pending suit—Practice
—Procedure in court below—Costs.*

*Nov. 26, 27.

*Dec. 9.

APPEAL from the judgment of the Court of Appeal for Ontario (1), reversing the judgment at the trial and dismissing the plaintiff's action with costs.

This action was one of several suits affecting the title to certain lands under circumstances which are fully stated by Mr. Justice Moss at pages 500–504 of the report above cited.

After hearing counsel for the parties the Supreme Court of Canada reserved judgment and, on a subsequent day, refused to interfere with the decision of the provincial court on matters of procedure, but, under the special circumstances of the case, the court dismissed the appeal without costs.

Appeal dismissed without costs

Aylesworth K.C. for the appellant.

Iddington K.C. for the respondent.

*PRESENT:—Sir Elzéar Taschereau C.J. and Sedgewick, Girouard, Davies and Mills JJ.