where the order was refused. The learned Judge said that that was not the true construction of the Rule—the effect was that the order of the Judge or Master should be subject to appeal as though the action were in the Supreme Court of Ontario instead of in the County Court.

In Cameron v. Elliott (1897), 17 P.R. 415, it was decided that there was no right of appeal; but that decision was based upon the then Rule 1260. In the revision of 1897 the words "subject to appeal" etc. were introduced, and from that time on it had been uniformly held that there was a right of appeal whether the order was made or refused.

The preliminary objection was, therefore, overruled.

Upon the merits, the defendant contended that the case fell within Rule 245 (*b*). The plaintiff bank had laid the venue in Toronto, although the cause of action arose and the parties resided in the county of Simcoe, and the place named for trial should have been Barrie, the county-town of that county. The cause of action undoubtedly arose in Simcoe, and the defendant resided there, and the branch of the bank where everything connected with the transaction took place was also in that county. The bank must be taken to "reside" in that county for the purposes of Rule 245 (*b*), and the fact that the head office of the bank was in Toronto did not take the case out of the operation of the Rule.

For many purposes, a branch bank is regarded as an independent organisation: see Rex v. Lovitt, [1912] A.C. 212, at p. 219; Ex p. Breull, In re Bowie (1880), 16 Ch. D. 484.

The appeal should be allowed and the place of trial should be changed to Barrie; costs to the defendant in the cause.