

JUNE 11TH, 1903.

DIVISIONAL COURT.

RE TAGGART v. BENNETT.

*County Court Appeal—Right of Appeal—Final Order—Refusal to Vary
Minutes of Judgment.*

Appeal by plaintiff from order of BRITTON, J., 2 O. W. R. 419, dismissing a motion by plaintiff for a mandamus to compel the Judge of the County Court of Middlesex to certify the proceedings in this case, pursuant to sec. 55 of the County Courts Act, so as to permit an appeal to a Divisional Court against an order of the Judge dismissing an application to vary the minutes of the judgment in this action as to setting off costs.

W. H. Bartram, London, for appellant.

No one contra.

The judgment of the Court (BOYD, C., FERGUSON, J., MACMAHON, J.) was delivered by

BOYD, C.—This is a matter interlocutory, from which no appeal lies under R. S. O. ch. 55, sec. 52. While provision is made for appealing from a decision of the Judge made under powers conferred by the Rules of Court (e.g., as to settling minutes), yet the last part of the section controls all the rest, and it is only in case the decision is in its nature final that appeal lies.

This is a mere interlocutory ruling, which will issue in final judgment, and from that judgment of the Court (if it be appealable) the appeal lies, and not from a proceeding which is but a step towards that judgment.

No order.

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DIVISIONAL COURT.

AHRENS v. TANNERS' ASSOCIATION.

*Discovery—Examination of Officer of Defendant Association—Agent
—Association of Incorporated Companies and Partnerships.*

Appeal by defendants from order of MEREDITH, C.J., ante 479, affirming order of Master in Chambers, ante 464,