

*Held*, that the judgment sought to be appealed from was not a final judgment within the meaning of the Supreme Court Act, and no appeal therefrom would lie.

Appeal quashed with costs.

*Chrysler, Q.C.*, for motion.

*Hogg, Q.C.*, and *Crawford, contra*.

Ontario.]

#### HALTON ELECTION. LUSH V. WALDIE.

*Election Petition—Appeal—Dissolution of Parliament—Return of Deposit.*

In the interval between the taking of an appeal from a decision delivered on the 8th November, 1890, in a controverted election petition and the February sitting (1891) of the Supreme Court of Canada, Parliament was dissolved, and by the effect of the dissolution the petition dropped. The respondent subsequently, in order to have the costs that were awarded to him at the trial taxed and paid out of the money deposited in the Court below by the petitioner as security for costs, moved before a Judge of the Supreme Court in Chambers to have the appeal dismissed for want of prosecution, or to have the record remitted to the court below. The petitioner asserted his right to have his deposit returned to him.

*Held*, per Patterson, J., 1st. That the final determination of the right to costs being kept in suspense by the appeal the motion should be refused.

2nd. That inasmuch as the money deposited in the court below ought to be disposed of by an order of that Court, the Registrar of this Court should certify to that Court that the appeal was not heard, and that the petition dropped by reason of the dissolution of Parliament on the 2nd February, 1891.

*Kerr, Q.C.*, for motion.

Motion refused.

*Aylesworth, Q.C.*, *contra*.

#### COURT OF QUEEN'S BENCH—MONTREAL.

*Action for reformation of account—Form of judgment therein—Desistment from part of judgment—Costs.*

*Held*:—1. In an action against an agent for reformation of an