

THE
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DECEMBER 12TH, 1902.

DIVISIONAL COURT.

MONRO v. TORONTO R. W. CO.

*Appeal from Ruling of Master in Ordinary—Forum—Weekly Court
—Reference, Stay of, pending Appeal from Judgment of Referee.*

Appeal by defendants from an order of STREET, J., in Court, dismissing an appeal by defendants from a certificate of the Master in Ordinary, upon the ground that such an appeal does not lie to a single Judge, but to a Divisional Court; and, in the alternative, appeal by defendants from the certificate of the Master, which was to the effect that he had ruled that the reference in this action should proceed, notwithstanding a pending appeal to the Court of Appeal from the judgment directing the reference.

J. Bicknell, for defendants, contended that the matter in question was one of practice within the meaning of sec. 75 of the Judicature Act, and therefore an appeal lay to a Judge; and that by Rules 827 and 829 the practice now was that the reference was stayed upon security being given on appeal.

W. N. Ferguson, for plaintiff, contra.

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

MEREDITH, C.J.—The appeal from the ruling of the Master in Ordinary was properly brought before a Judge in the Weekly Court. The question raised was one of practice, and