

Held, there was no appeal, the matter not having "originated in the Supreme Court," within the meaning of O. 57, R. 17. O. 57, R. 4 gives an appeal from the decision of a Judge at Chambers, but R. 17 of the same order restricts it to "matters originating in the Supreme Court."

In re Ross, 27/297.

**2. From County Court — Reviewing award.]**—By an Act incorporating a railway company, an appeal to the County Court was given, from the award of arbitrators in respect to lands appropriated. The Act provided for no further appeal. Held, that the decision of the County Court was final. There was no provision in the County Court Act for an appeal in such a matter, it not being embraced in the word "action" as used in that Act. 1889, c. 9, s. 4.

In re McMillan, 24/360.

**3. Matter originating in magistrate's Court.]**—The County Court Act (1889, c. 9, s. 64) does not authorize an appeal from the County Court to the Supreme Court "in any matter or proceeding not coming under the technical term of "an action," no matter whether it was begun in the County Court or in some inferior Court. This excludes appeals by a garnishee, appeals from orders relating to the removal of paupers, bastardy proceedings, and, perhaps, overholding proceedings, etc. Some of these often involve matters of considerable moment, and it would be strange indeed if the Legislature, as it has, denied an appeal in matters not originated by an action, and yet gave it to a party to a suit begun in a justice's Court for the sum of \$1 or even less."

Halifax Pilot Commissioners v. Farquhar, 26/333.

**4. Decision of like tenor in.]**—

Cape Breton Fish & Trading Co. v. Morrison, 26/487.

**5. And followed in.]**—

Fluke v. Wallace, 27/164.

**6. Bond "to abide, etc."]**—Semble, where an appeal to a higher Court has

been had by giving a bond to abide by the decision of that Court, no further appeal may be had.

Halifax Pilot Commissioners v. Farquhar, 26/333.

**7. From County Court—Liberty of Subject Act.]**—There is no appeal provided for a prisoner who has applied for his discharge under the Liberty of the Subject Act, to the County Court. That Act provides none, and the proceeding does not come within the meaning of the word "action," as used in the County Court Act.

Re Edwin G. Harris, 26/508.

(Note.—Now, however, see Interpretation clause, County Court Act, R.S. 1900.)

**8. Overholding.]**—There is no appeal from the decision of the County Court in a proceeding against a tenant for overholding, under section 64 of the County Court Consolidation Act, 1889, c. 9, that proceeding not falling within the definition of the word "action," as laid down in the Interpretation clause of the Judicature Act, which determines its meaning in the County Court Act.

Hill v. Hearn, 25/29.

(Note.—But see interpretation County Court Act, R.S. 1900.)

**9. Summary Convictions Act.]**—Where an appeal has been taken to the County Court under R.S. 5th Series, c. 103, s. 66, the decision of that Court is final.

Queen v. Leslie, 25/163.

**10. Discretion of Judge.]**—Whether there is an appeal from the decision of a County Court Judge refusing to set aside the finding of a jury with which he is not dissatisfied, the matter being one within his discretion? Per Ritchie, J.

Culbert v. McKeen, 22/45.

**11. Discretion of Judge.]**—Where a Judge has decided a matter left to his discretion, such exercise of his discretion will not be reviewed on appeal, unless it can be shown that he acted on some erroneous principle.