

an order of taxation of such bill, and such application may be made to a county court judge, or a judge of the High Court, in Chambers. M., a ratepayer of a township, applied to a judge of the High Court for an order to tax a bill against the Town Council. His application was refused, and he appealed to the Divisional Court where the order for taxation was made. An appeal was taken to the Court of Appeal where the judgment of the Divisional Court was reversed, and M. sought to appeal to the Supreme Court.

Held, that the appeal could not be entertained.

Per Ritchie, C. J., and Strong, J. Even if the court has jurisdiction to hear this appeal and that it was not a matter of discretion in the Court of Appeal to hear it or not, we should not interfere in a matter of taxation of costs. Moreover, on the merits the ratepayer was not a person entitled to an order for taxation.

Per Taschereau, J. The judgment sought to be appealed from is not a final judgment under the Supreme Court Act, it was a matter of discretion for the Court of Appeal to entertain the appeal from the Divisional Court or not; and the proceedings did not originate in a superior Court. For all these reasons the appeal should be quashed.

Per Gwynne, J. Whether we have jurisdiction to hear the appeal or not the matter is one in which this Court should not interfere.

Per Patterson, J. The order in this case was one which the Court had a discretion to make or refuse, and so it is not appealable to this Court.

Appeal dismissed with costs.

Riddell & Robinson for appellants.

Glenn for respondents.

LEGISLATION OF LAST SESSION.

The following Act, 55-56 Vict., ch. 43, to amend certain provisions of the Code of Civil Procedure respecting abandonment of property, was passed at the last session of the Quebec legislature, and assented to June 24, 1892:—

1. Article 763a of the Code of Civil Procedure, as added by Article 5953 of the Revised Statutes of the province of Quebec, is amended, by adding thereto the following words:

“A claim under oath accompanied by vouchers must be produced at the offices of the Prothonotary with this demand.”