

The Ontario Weekly Notes

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APPELLATE DIVISION.

SECOND DIVISIONAL COURT. JANUARY 30TH, 1917.

MORRISON v. MORRISON.

Appeal—Order of Judge in Chambers—Final or Interlocutory—Necessity for Leave—Rule 507.

Appeal by the defendant Philip Morrison from an order of CLUTE, J., in Chambers, ante 294, deferring the hearing of a summary application for an order for partition or sale of land, and directing the trial of an issue to determine the claim of title made by the appellant.

The appeal came on for hearing before RIDDELL and LENNOX, JJ., FERGUSON, J.A., and ROSE, J.

H. S. White, for the plaintiff, objected that the order in Chambers was an interlocutory one, and that no appeal therefrom lay without leave: Rule 507.

I. Hilliard, K.C., for the appellant.

THE COURT quashed the appeal with costs, without prejudice to a motion by the appellant to a Judge to amend the order or for leave to appeal.

SECOND DIVISIONAL COURT. JANUARY 30TH, 1917.

HOWE v. IRISH.

Contract—Advances to Owner of Mining Claims—Agreement to Allot Shares in Mining Property when Company Incorporated—Failure to Incorporate—Interest in Property—Declaration—Parties—Trustee—Creation of Trust.

Appeal by the defendant from the judgment of KELLY, J.,
10 O.W.N. 455.

34—11 o.w.n.