

The word "final" as ordinarily employed has a dual meaning; it means "decisive" and "the last." Usually the word denotes both character and position; but in the proviso the context confines it to the one meaning "decisive" in which sense, being applied to a decision or order, it must have reference to the character of the subject matter adjudicated upon.

The word "interlocutory," on the other hand, as ordinarily employed has a single meaning, i.e., "intermediate." Usually it denotes position or relation only, and therefore an interlocutory order may be "in its nature final." This use of the word is common; a striking instance is found in the judgment of Mr. Justice Osler in *Fately v. Merchants' Despatch Co'y*, 12 A.R. 640, in which case, when discussing the question whether an order directing the delivery out of Court of a bond for cancellation, which had been given as security for costs, was an interlocutory order under sec. 53 of the then Judicature Act, he said at p. 653, "It is admittedly, though final in its nature, an interlocutory order."

Every order which occurs in practice embodies a decision on some point or other and is decisive as regards that particular point, and in this strict sense no order can be said to be interlocutory and nothing more, or "merely interlocutory," and if, in the construction of the proviso, this strict sense of the words was to be adhered to, every decision or order within the section would be appealable, and the proviso would be nugatory.

Manifestly such could not have been the intention of the Legislature, and a consideration of the object of the section will aid in determining what the real intention was, and what meaning is to be attached to the controlling proviso.

Apart from statutory provision there could be no appeal, and the plan of the section is, first to confer a right of appeal from every decision or order within any of the three classes, then by the proviso to limit that right to those decisions and orders which answer the description in the proviso contained. The effect is that those orders and decisions which do not answer the description are without the statute and are consequently not appealable. It was thought by the Legislature that the matters included in the section were of sufficient general importance to warrant a right of appeal being given to a Superior Court from decisions in the County Court affecting such matters, and it is conceived that the Legislature had in mind, in enacting the proviso, the relative importance