
Cohn v. Huffman.

COHN V. HUFFMAN.

APPEALS: *Decree not final.*

In a suit to redeem mortgaged lands, a demurrer was sustained to all the paragraphs of the answer, with the exception of one, in which a claim is set up for improvements made and taxes paid on the mortgaged premises. The defendant, electing to stand on his answer, the court referred the cause to a commissioner, with directions to state an account showing the amount of the mortgage debt, the value of the defendant's improvements, the amount of his tax payments, and the value of the rents. The defendant appealed. HELD: That the decree was not final, and the appeal is premature. [*Davie v. Davie, ante, p. 224.*]

APPEAL from Jackson Circuit Court in Chancery.

J. W. BUTLER, Judge.

This is a suit in equity, brought to redeem certain mortgaged lands. A demurrer was sustained to all the paragraphs of the defendant's answer with the exception of one, in which he sets up a claim for the value of improvements made, and for the amount of taxes paid on the property. The defendant electing to stand on his answer, the court thereupon referred the cause to a commissioner, with directions to state an account showing the amount of the mortgaged debt, the amount of taxes paid on the land by the defendant, the value of all lasting improvements made by him, and also the total rental value of the lands for each year since the defendant went into possession. The commissioner was directed to report at the next term of the court. The defendant appealed.

Compton & Compton, for appellant.*W. R. Coody*, for appellee.PER CURIAM. The decree is not final within the rule of the decision in *Davie v. Davie, ante, p. 224.*

The appeal is premature. Let it be dismissed.