

From Robertson, J.]

[June 20.]

WINTERBOTTOM v. LONDON POLICE COMMISSIONERS.

An appeal from the judgment of ROBERTSON, J., reported 1 O.L.R. 549; ante p. 314, was argued before ARMOUR, C.J.O., MACLENNAN, MOSS, and LISTER, J.J.A., on the 11th of June, 1901, and on the 20th of June, 1901, was dismissed with costs.

Hellmuth, for appellant. *T. G. Meredith*, for respondent.

Moss, J.A.] HARGROVE v. ROYAL TEMPLARS OF TEMPERANCE. [July 8.]

Court of Appeal—Judgment—Certificate—Power to stay proceedings.

After the decision of the Court of Appeal has been certified by the registrar, the case is no longer pending in the Court of Appeal, and, by Rule 818, the subsequent proceedings are to be taken as if the decision had been given in the court below.

A judge of the Court of Appeal has therefore no power, under the Judicature Act, R.S.O. 1897, c. 51, s. 54, or 60 & 61 Vict. c. 34, s. 1 (D.), or otherwise, after certificate, to make an order staying proceedings upon the judgment of the Court of Appeal pending an application for leave to appeal therefrom to the Supreme Court of Canada.

H. H. Macrae, for plaintiff. *Z. Gallagher*, for defendants.

HIGH COURT OF JUSTICE.

Meredith, C.J.]

WILSON v. POSTLE.

[June 1.]

Division Courts—Attachment of debts—Foreign garnishee jurisdiction.

Held, that where the garnishee neither resides nor carries on business in Ontario a Divisional Court has no jurisdiction. Also that the garnishee appearing by his agent does not confer jurisdiction. *McCabe v. Middleton*, 27 O.R. 170 distinguished.

Creswicke, for plaintiff. *D. L. McCarthy*, for defendant.

Meredith, C.J.] SYRACUSE SMELTING WORKS v. STEVENS.

[July 17.]

Costs—Security for—Several defendants—Præcipe orders—Practice.

One of the defendants having obtained on præcipe an order for security for costs, the plaintiffs complied with it by paying \$200 into Court, after which another defendant, without notice of the previous order or of the payment into Court thereunder, obtained an order on præcipe for security for costs on his own behalf.

Held, that the plaintiffs were entitled to obtain an order providing that