

THE COURT dismissed the appeal, and directed that the appellant's disbursements on the appeal should be paid by the respondent. No order as to costs otherwise.

HIGH COURT DIVISION.

FALCONBRIDGE, C.J.K.B., IN CHAMBERS.

APRIL 15TH, 1918.

INGERSOLL PACKING CO. LIMITED v. NEW YORK
CENTRAL AND HUDSON RIVER R.R. CO. AND
CUNARD STEAMSHIP CO. LIMITED.

*Practice—Conditional Appearance—Rule 48—Service Effected in
Ontario upon Foreign Company—Jurisdiction—Future Pro-
ceeding in Foreign Court upon Judgment Obtained in Ontario.*

Appeal by the defendant the Cunard Steamship Company Limited from an order of the Master in Chambers refusing to allow the appellant company to enter a conditional appearance.

See notes of decision upon previous motions, 13 O.W.N. 481 and ante 30.

W. Lawr, for the appellant company.

H. S. White, for the plaintiff company.

FALCONBRIDGE, C.J.K.B., in a written judgment, said that counsel for the appellant company admitted that he could not find a case where leave was granted to enter a conditional appearance when the service was effected within Ontario. Naturally so. The wording of Rule 48 excludes such a suggestion.

The learned Chief Justice said that he was not concerned on the present motion with what might happen to the plaintiffs if and when they invoked a foreign jurisdiction to enforce any judgment which they might recover here. They could essay the leap-
ing of that stile when they came to it.

Appeal dismissed. Costs to the plaintiff company against the appellant company in any event of the cause.