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IT is open to question whether the Common Pleas Divisional Court's decision in *Western Bank of Canada* v. *Courtemanche*, noted *ante* p. 391, is not, in fact, an attempt at legislation, rather than an interpretation of the Rules as they are. A sort of understanding has grown up that, when a party appeals from a judgment pronounced at a trial, the setting down of the motion operates, *ipso facto*, as a stay of proceedings, and the Divisional Court has declared this to be the practice. But when we look at the Rules we are not able to discover that any such effect is given by them to a motion of this kind. The idea that it has that effect is a sort of survival of the old common law practice, which is, however, not to be found in the Rules, but in the breasts of *quondam* common law judges and practitioners. Under the former common law practice, unless a judge at the trial granted immediate execution, judgment could not be entered on the verdict until the fourth day of the next term, and not then, if on or before that day the opposite party obtained a rule *nisi;* this rule always contained the clause, "and in the meantime let all proceedings be stayed," and, of course, operated to stay further proceedings until the rule had been argued and disposed of.

But this method of procedure has all been swept away by the Judicature Act and Rules, and the method of moving against verdicts and judgments pronounced upon the trial of actions is now more nearly like the old equity practice of rehearing, and under that practice a notice of rehearing did not operate as a stay of the proceedings on the decree or order which was the subject of rehearing. The Rules, moreover, have adopted the old equity practice of making judgments effectual and operative from the time they are pronounced, but there is a p. vision