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## *EXECUTION PENDING APPEALS.*

### PROVINCE OF ONTARIO.

Under the former procedure which the late consolidation of the Rules has superseded it will be remembered there used to be appeals to the Divisional Courts of the High Court, and from thence to the Court of Appeal. The recent Judicature Act put an end to Divisional Courts of the High Court, and it in effect substituted for the double appeal above mentioned one appeal to a Divisional Court of the Appellate Division of the Supreme Court—and the procedure for such appeals was apparently intended to be, as nearly as possible, the procedure which regulated the former appeals to the Divisional Courts of the former High Court of Justice: see Jud. Act, s. 75.

The effect of this alteration was to give an appeal to what was the former Court of Appeal, but is now the Appellate Division of the Supreme Court, without any prior intermediate appeal. On an appeal to the former Court of Appeal security for the costs of the appeal was required, and, in case it was sought to stay execution pending the appeal, security for the amount awarded by the judgment appealed from was also required to be given; and C.R. 828 provided that on such security being given the execution might be stayed on the fiat of a judge. In appeals to a Divisional Court of the former High Court no security was required to be given, but without any security being given an execution on the judgment appealed from was stayed on the setting down of the appeal. This practice is still preserved by Rule 496, but is varied by Rule 497.

It is always a difficult matter to avoid mistakes when endeavouring to combine enactments relating to different subjects.