proceedings may be taken *thereupon* as if the decision had been given in the Court below."

Prior to the Judicature Act two methods of carrying this section into operation prevailed. At law the certificate was, as we understand from *McArthur* v *Southwold*, 7 P. R. 27, acted upon without making it an order of the Court below, but we believe it was the practice to enter the certificate on the roll of the proceedings, and thereupon without any other physical alteration of the original judgment the certificate of the Court of Appeal was acted on as though it were a decision of the Court below.

In Chancery, however, a practice had grown up of making the certificate of the Court of Appeal an order of the Court of Chancery, and it was only on being so made an order in Chancery that it was enforceable in that Court: *Weir* v. *Matheson*, 2 Chy. Ch. R. 10.

In *Freed* v. *Orr*, 9 P. R. 181 (17th January, 1882), the Master in Chambers held that it was no longer necessary to make a certificate of the Court of Appeal an order of the High Court.

In February, 1882, Proudfoot, J., held that the former practice in Chancery was to be continued: *Norvall* v. *Canada Southern R. W. Co.* 9 P. R. 339, 18 C. L. J. 98, and on 1st March, 1882, in *National Insurance Co.* v. *Egleson*, 9 P. R. 202, Boyd C. referred to the practice as correctly laid down by Proudfoot, J., and on the 4th May, 1882, Ferguson, J., after consultation with Boyd, C., also decided that the former practice of the Court of Chancery was to be continued in the Chancery Division: *Canada Southern Railway Co.* v. *International Bridge Co.*, 9 P. R. 203, note.

The matter had also previously been before the Master in Chambers again in *Lowson* v. *Canada Farmers Insurance Co.*, 9 P. R. 185, and in that case the learned Master set aside an execution, among other grounds, because it was issued upon a certificate of the Court of Appeal. His opinion as to the mode in which the certificate should be dealt with, and which is apparently the one which the Court of Appeal has adopted, is stated as follows, p. 186: After quoting section 44 of the Appeal Act he proceeds: "That is, I take it, that the original judgment shall be in effect corrected by the judgment of the Court of Appeal by the proper officer, whose duty it is to make the entries; and that, upon that original decree of the Court of Chancery, so corrected by the judgment in Appeal, the writ of *fi. fa.* may issue." This not having been done, he held the execution irregular. Before the execution issued, however, in that case the certificate of the Court of Appeal had been actually entered in the judgment book of the Chancery Division, but this very material fact does not appear to have been brought to the attention of the learned Master in Chambers. Subsequently, the decision of the Master in Chambers was affirmed by the Divisional Court of the Chancery Division, upon the ground that the writ had issued prematurely, but the Court gave no decision as to the other point of practice. There can be little doubt, however, that if it had been necessary to express any opinion on the point, that the Divisional Court, as then constituted, would have pronounced in favour of continuing the old Chancery practice of making the certificates of the Court of Appeal an order of the Chancery Division.

In June, 1882, however, the question again came up before the Divisional Court of the Chancery Division then constituted by Wilson, C. J., and Ferguson, J., in *Norvall* v. *Canada S. R. W. Co.*, 9 P. R. 339, and although no express decision was arrived at by the Court on the point of practice we have under consideration, Wilson, C.J., thus referred to it: "We know the practice is to make these certificates orders of the Court. Why that is so, although the practice has long existed, I do not know. I can understand a submission to arbitration, or a judge's order, when it was the practice, being made an order or rule of Court, but I do not understand why the orders, decree, or judgment of a Superior Court, having cognizance of the cause, and