the court below upon such pleadings. *Quinlan* v. *Union Fire Ins. Co.*, 8 A. R. 376.

Court of Chancery.]—The right of appeal from Chancery is confined to orders or decrees made in a cause pending between parties. An appeal from an order directing the taxation of a solicitor's bill against his client in a particular mode, was therefore dismissed with costs. *In re Freeman*, 2 E. & A. 109.

Demurrer—*Amendment not Made.*]—The judgment in the court below (32 C. P. 131) overruled a demurrer on the assumption that a plea had been amended according to leave given, but as the appeal book did not shew the amendment to have been made, the defence as set out in the printed case was held bad on demurrer, and the appeal by the plaintiff was allowed with costs. *Boswell* v. *Sutherland*, 8 A. R. 233.

English Decisions.]—When a decision of the Court of Appeal in England is at variance with one of the Court of Appeal in this Province, the latter should be followed here, as the former court is not the court of ultimate appeal for the Province. Sutton v. Sutton, 22 Ch. D. 511, not followed. *MacDonald* v. *McDonald*, 11 O. R. 187. See *McDonald* v. *Elliott*, 12 O. R. 98.

Entering Verdict.]—Where leave was reserved at the trial to move to set aside the verdict, and to enter a verdict for the plaintiff:—Held, that the Court of Appeal could order such verdict to be entered. *Herbert* v. *Park*, 25 C. P. 57.

Equal Division.]—The court being equally divided, the judgment of the court below was not altered. *McLeod* v. *New Brunswick R. W. Co.*, 5 S. C. R. 281.

Equal Division.]—The prisoner was remanded for extradition by the Chancery Division of the High Court of Justice, which on appeal to this court was affirmed, the court being equally divided (8 A. R. 31). A second writ of habeas corpus was thereupon obtained, and the prisoner brought before the Common Pleas Division, when he was again remanded, whereupon he again appealed to this court, which appeal was dismissed with costs, as under such circumstances a second appeal could not be entertained. *In re Hall*, 8 A. R. 135. See *S. C.*, 32 C. P. 498.

Per Burton and Patterson, JJ.A. The grounds for the technical rule of practice of the House of Lords on an equal division have no existence in other appellate tribunals, although in the particular case the appellate court is the court of last resort. *Ib.*

The effect of an equal division in this court, as in a court of first instance, is simply that the rule or motion drops or the appeal is dismissed, and the judgment below remains undisturbed, but is not considered as a binding authority. *Ib.*

Per Patterson, J. A. By the effect of the Judicature Act, a decision of any one division is a decision of the High Court; this matter had therefore been already disposed of on the former appeal. *Ib.*

Equal Division.]—The Court of Appeal for Ontario, composed of four Judges, pronounced judgment in an appeal before the court, two of the Judges being in favour of dismissing and the other two pronouncing no judgment. On an appeal from the judgment dismissing the appeal it was objected that there was no decision arrived at:—Held, that the appellate court should not go behind the formal judgment which stated that the appeal was dismissed; further, the position was the same as if the four Judges had been equally divided in opinion, in which case the appeal would have been properly dismissed. *Booth* v. *Ratte*, 21 S. C. R. 637.

Habeas Corpus.]—Remarks as to the inconvenience, if not danger, of making the writ of habeas corpus a mere method of appealing from other tribunals on points more of practice than affecting the merits. *In re Munn*, 25 U. C. R. 24.

Habeas Corpus.]—The Act 29 & 30 Vict. c. 45, apparently substituted the right of appeal in habeas corpus cases for successive applications from court to court. *In re Hall*, 8 A. R. 135.

Interest.]—Where the Court of Appeal orders payment of money, and says nothing as to any antecedent interest thereon, such interest cannot afterwards be added by the Court of Chancery; at all events, in cases in which, though interest is usually given, it is not a matter of strict legal right, but of discretion. *Box* v. *Provincial Ins. Co.*, 19 Gr. 48.

Interest.] — Interest when judgment is given in appeal for respondent in a personal action. See *Quinlan* v. *Union Fire Ins. Co.*, 8 A. R. 376.

Interim Injunction.]—Where, after the expiration by effluxion of time of an interim injunction order, proceedings are taken against a party to the action to commit him for contempt for disobeying the order, an appeal by him against the interim order will lie. *McLeod* v. *Noble*, 24 A. R. 459.

Interlocutory Order — *Arrest.*] — Upon an appeal by the plaintiff from an order of the Judge of a county court, in an action in that court, discharging the defendant from the custody of his bail, it was objected by the defendant that the order was not a final one, and that no appeal lay:—Held, that the court had, by Rule 1041, jurisdiction to discharge or vary the order, as explained in Elliott v. McCuaig, 13 P. R. 416. *McVeain* v. *Ridler*, 17 P. R. 353.

Interpleader.]—An appeal will lie from the judgment on an interpleader issue. *Wilson* v. *Kerr*, 18 U. C. R. 470.

Interpleader—*Summary Order.*]—Where an application was made by a sheriff for an interpleader order in respect of goods seized by him under an execution against the plaintiff, and claimed by a brother of the plaintiff as purchaser of the goods, the Judge, assuming to act under Rule 1111, decided the question in favour of the claimant, without directing the trial of an issue, and made an order refusing the application, directing the sheriff to withdraw from possession of the goods, ordering the execution creditors to pay the sheriff's costs and possession money and the claimant's costs, and directing that no action should be brought by the claimant against the sheriff in respect of the seizure:—Held, that the execution creditors had the right to appeal against this order. *Rondot* v. *Monetary Times Printing Co.*, 19 P. R. 23.