

before the police magistrate for the city of St. Thomas, discharged on 14th February, 1906. On 1st March an application was made to the magistrate on behalf of the Attorney-General for Ontario to state a case for the consideration of the High Court of Justice, under sec. 900 of the Criminal Code. This section of the Code has now been made available for the review of all summary convictions under Ontario law by virtue of the amendment made of R. S. O. 1897 ch. 90, as contained in 1 Edw. VII. ch. 13, sec. 2 (O.), which was apparently intended to obviate the difficulty raised in *Regina v. Simpson*, 28 O. R. 531.

The only objection now raised is that the application to state a case should have been made within 10 days after the dismissal. This is based upon an application of the time limit fixed in R. S. O. ch. 90, sec. 9, to the method of appeal or review by way of case stated. In terms, however, that section applies only to appeals to the General Sessions, whereas the provision in the Criminal Code as to case stated to the High Court has no such limitation of time, but provides that the application shall be made and the case stated within such time and in such manner as is directed by Rules under sec. 533 of the Code. No such Rules have been passed, and the result is that the matter should be prosecuted in a reasonable time.

The difficulty raised by the magistrate as to the effluxion of time does not appear to be one that should deprive the Attorney-General of the right given by sec. 900 of the Criminal Code, sub-sec. 5. The order should, therefore, go for the statement of the case forthwith. No costs.

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CARTWRIGHT, MASTER.

SEPTEMBER 20TH, 1906.

CHAMBERS.

ELGIE & CO. v. EDGAR.

EDGAR v. ELGIE & CO.

CLEMENS v. ELGIE & CO.

*Interpleader—Action for—Previous Refusal of Summary Application—Stay of Proceedings in Separate Actions Brought against Interpleading Parties.*

After the disposition of an interpleader application in *Re Elgie, Edgar, and Clemens*, ante 33, 299, *Elgie & Co.*, on the