

the payment into Court, by the plaintiff's election not to take the money out at the appropriate time. And therefore the stay of proceedings should not be removed.

Watson, Q.C., for the plaintiff.

F. A. Anglin, for the defendant.

HIGH COURT OF JUSTICE.

SNIDER, Loc. J.]

[July 26.]

TALBOT v. CANADIAN COLOURED COTTON CO.

Interest on verdict—Stay of proceedings.

This was an action for damages tried before Street, J., who on Jan. 14th, 1897, made an order for the entry of judgment for the plaintiff for \$1,200, with full costs of suit, but he stayed entry of judgment until the case could be brought before the Divisional Court. The judgment was affirmed by that Court and entered on Feb. 26th as of Jan. 14th. The plaintiff claimed interest from Jan. 14th. For the defendant it was contended, on the authority of *McLaren v. Canada Central R.W. Co.*, 10 P.R. 328, that interest should only run from Feb. 26th. By agreement of counsel the question was argued before SNIDER, Co. J., (Local Judge) in Chambers.

Held, that interest was payable from the original entry of judgment, the case being governed by Jud. Act, s. 121, and Con. Rules 765, 775, and that *McLaren v. Canada Central R.W. Co.* did not apply.

D'Arcy Tate, for plaintiff.

K. Martin, for the defendants.

Divisional Court.]

[Oct. 4.]

IN RE JONES v. JULIAN.

Division Court—Jury trial—Submitting questions—Acquiescence—Prohibition.

In a Division Court action for the price of goods sold, the Judge without objection taken submitted questions to the jury, and on their answers entered verdict and judgment for the plaintiff after the defendant had, however, put in a written argument in his own favor.

Held, on motion for prohibition, on the ground that the defendant was entitled to a general verdict of the jury, and that the Judge had no right so to submit questions and enter a verdict on them, but that however this might be, the defendant had so acquiesced in the course taken as to debar him from obtaining prohibition.

Douglas, for motion.

D. Armour, contra.