

ADAMS & BURNS (PLAINTIFFS)APPELLANTS ;

1901

AND

*Mar. 26.

THE BANK OF MONTREAL AND THE KOOTENAY BREWING, MALTING AND DISTILLING COMPANY (DEFENDANTS)	}	RESPONDENTS.
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Practice—Appeal to Privy Council—Stay of execution.

A judge in chambers of the Supreme Court of Canada will not entertain an application to stay proceedings pending an appeal from the judgment of the Court to the Judicial Committee of the Privy Council.

MOTION on behalf of the appellants for an order to stay execution in the cause pending an application for leave to appeal to the Judicial Committee of His Majesty's Privy Council, from the judgment pronounced by the Supreme Court of Canada, on 19th February, 1901, dismissing the appeal of the said appellants from the decision of the Supreme Court of British Columbia.

The application was by motion, in chambers, before His Lordship Mr. Justice Girouard, prior to the entry of the judgment of the court.

Glyn Osler for the motion.

Travers Lewis, contra.

After hearing the arguments of counsel, judgment was reserved until a later hour of the day when the following judgment was delivered.

GIROUARD J. (Oral.)—I find that, according to the uniform practice of this court, it is not possible to grant this application. Since the argument upon the motion, I have had an opportunity of consulting with my brother judges, as to the question of practice, and they all agree that this court has always refused to entertain applications of this nature.

Motion refused with costs.

*PRESENT :—His Lordship Mr. Justice Girouard (In Chambers.)