

LE COMITE PARITAIRE DE L'INDUS-
TRIE DE L'IMPRIMERIE DE MONT-
REAL ET DU DISTRICT (PLAINTIFF). } APPELLANT;

AND

DOMINION BLANK BOOK COMPANY }
LIMITED (DEFENDANT) } RESPONDENT;

AND

DOMINION BLANK BOOK COMPANY
LIMITED EMPLOYEES' ASSOCIA-
TION (MISE-EN-CAUSE).

ON APPEAL FROM THE COURT OF KING'S BENCH, APPEAL SIDE,
PROVINCE OF QUEBEC

Appeal—Jurisdiction—Intended appeal to Privy Council—Judgment of this Court certified by registrar to proper officer of court of original jurisdiction—Motion for stay of proceedings.

When, as provided by section 53 of the *Supreme Court Act*, a judgment of this Court has been finally "certified by the registrar to the proper officer of the court of original jurisdiction" and "all proper and necessary entries thereof" have been made, the practice of this Court, following the decision in *Peters v. Perras* ((1909) 42 Can. S.C.R. 361), has been to refuse to entertain an application for a stay of proceedings for the purpose of an appeal from said judgment to the Judicial Committee of the Privy Council.

MOTION, on behalf of the respondent, for stay of execution pending proceedings on an intended application for leave to appeal from the judgment of the Supreme Court of Canada (1) to the Judicial Committee of His Majesty's Privy Council.

The judgment of the Supreme Court of Canada, allowing the appeal to that Court, was rendered on the 15th of May, 1944; the minutes were settled and certified by the registrar of the Supreme Court of Canada on the 25th of May, 1944; and the above judgment with the record was sent to the court of original jurisdiction on the 30th of May, 1944.

Ivan Sabourin K.C. for the motion.

Aimé Geoffrion K.C. contra.

THE COURT.—The appellant applies for a stay of proceedings pending an appeal which it intends to lodge from the judgment of this court to the Judicial Committee of the Privy Council.

It appears that the judgment of this court has been finally certified by the Registrar to the proper officer of the court of original jurisdiction and that all proper and necessary entries thereof have been made.

Under the circumstances, following the decision in *Peters v. Perras* (1), the practice of this court has been to refuse to entertain an application for a stay of proceedings on the ground that all subsequent proceedings with regard to the execution are to be taken as if the judgment had been pronounced in the court below and that we were, therefore, without jurisdiction to grant the application.

We see no reason why the practice should not be followed in the present case and the application for stay of execution should, therefore, be dismissed with costs.

Motion dismissed with costs.
