

of the 9th April, 1918, dismissing an appeal from an order of the Master in Chambers requiring the appellants to give security to the extent of \$3,000 on their appeal from a Master's interim report on the winding-up of the plaintiff company.

Leave to appeal was granted by SUTHERLAND, J., in Chambers: see ante 174.

The appeal was heard by MEREDITH, C.J.O., MACLAREN, MAGEE, and HODGINS, J.J.A.

R. S. Robertson and G. H. Sedgewick, for the appellants.

W. Laidlaw, K.C., for the plaintiffs and the liquidator, respondents.

HODGINS, J.A., in a written judgment, said that there was enough apparent in the proceedings to warrant the direction that security be given on the appeal for the costs thereof, if attention was to be paid to special circumstances.

But the point was really one of practice, and could be stated thus: "If a foreign person or company is brought into an action here, either by being properly served abroad, or on his application to be added as a party defendant, and, after having been heard, is unsuccessful and desires to appeal, is there power to treat such person or company as he or they would be treated under the Rules if he or they come here originally to sue?"

There is inherent power in the Court so to deal with them, notwithstanding that an appeal is in this Province merely a step in the cause. Such a person or company becomes, on the appeal, an actor desiring relief against the rights decreed to other parties; and, being outside the jurisdiction, should give such security as will enable the resident parties to recover their costs if they succeed.

Reference to *J. H. Billington Limited v. Billington*, [1907] 2 K.B. 106; *Stow v. Currie* (1910), 20 O.L.R. 353.

While, therefore, the jurisdiction of the Court to order security may be maintained, the amount fixed should be sufficient only to cover the costs of an appeal to a Judge in Court: *Re Sarnia Oil Co.* (1891), 14 P.R. 335; *Re McLean Stinson and Brodie Limited* (1910), 2 O.W.N. 435.

The amount of security should therefore be reduced to \$200.

The proceedings appeared to have been misconceived. The order appealed against was styled in an action which came to a conclusion when its end was served. On the 24th January, 1917, Masten, J., directed that the matters in question in the action be referred to the Master, "to be heard and determined by him in the