

THE
ONTARIO WEEKLY REPORTER

(TO AND INCLUDING DECEMBER 24TH, 1904.)

VOL. IV. TORONTO, DECEMBER 29, 1904. No. 18

DECEMBER 19TH, 1904.

WEEKLY COURT.

URQUHART v. AIRD.

Security for Costs — Two Defendants — Separate Order for Security — Payment of \$200 into Court to Answer both Orders—Sufficient Compliance with further Order.

Motion by plaintiff to continue interim injunction granted by a local Judge restraining defendants other than John Aird from disposing of chattels and an interest in land which John Aird had transferred to them in trust, being his share of his father's estate.

H. M. Mowat, K.C., for defendants other than John Aird, and Grayson Smith, for defendant John Aird, contended that the motion should not proceed until plaintiff had complied with orders for security for costs.

W. H. Blake, K.C., for plaintiff, contended that, although the two sets of defendants had taken out separate orders for security for costs, the payment of \$200 into Court was a sufficient compliance with both orders, without an order declaring it a sufficient compliance, which was a mere form; referring to *Syracuse Smelting Works v. Stevens*, 2 O. L. R. 141; *Fuller v. Appleton*, 2 O. W. R. 424.

FALCONBRIDGE, C.J., held that the practice adopted by plaintiff was reasonable and convenient, and the motion should be heard.