

The  
**Ontario Weekly Notes**

Vol. III. TORONTO, NOVEMBER 8, 1911. No. 8.

COURT OF APPEAL.

MACLAREN, J.A., IN CHAMBERS.

NOVEMBER 2ND, 1911.

STAVERT v. McMILLAN.

*Appeal—Privy Council—Security—Amount of—More than one Respondent—10 Edw. VII. ch. 24, sec. 3.*

Motion by the defendants in this and other actions for the allowance of an appeal to the Judicial Committee of the Privy Council from the judgment of the Court of Appeal, ante 6.

F. Arnoldi, K.C., and J. Parker, for the defendants.

J. Bicknell, K.C., for the plaintiff.

A. W. Anglin, K.C., for the third parties.

MACLAREN, J.A. :—The defendants have deposited in Court the sum of \$2,000 as security for their appeal to the Privy Council from the judgment of this Court, and have moved for the allowance of their appeal. They have given notice both to the plaintiff and to the third parties, the Sovereign Bank, who oppose the application on the ground that security to the amount of \$2,000 should be given in favour of each of them.

Only one judgment was given, and I am of opinion that, under a proper construction of sec. 3 of the Privy Council Appeals Act, 10 Edw. VII. ch. 24, such deposit of \$2,000 is sufficient. Nothing has been made to appear before me that would shew that such security is insufficient.

In consequence, I declare my satisfaction therewith, and approve of and allow such security. Costs of the motion to be costs in the appeal.