

The Ontario Weekly Notes

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COURT OF APPEAL.

NOVEMBER 30TH, 1911.

STAVERT v. McMILLAN.

Practice—Court of Appeal—Five Actions Tried together—Appeals Consolidated and Heard as One—Separate Certificates of Judgment—Con. Rules 635 (2), 818—Third Party—“Party Affected by the Appeal”—Con. Rules 799 (2), 811—Costs—Transmission of Interest between Hearing of Appeal and Judgment thereon—Date of Judgment.

Motion by the respondents, the defendants, or some of them, to vary the certificates of the judgment of the Court in the above and four other actions, as settled by the Registrar. See ante 6.

The motion was heard by MOSS, C.J.O., GARROW, MACLAREN, MEREDITH, and MAGEE, JJ.A.

F. Arnoldi, K.C., and F. McCarthy, for the defendants.

W. J. Boland, for the third party.

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

The judgment of the Court was delivered by Moss, C.J.O.:—
The first contention is, that only one certificate should have been drawn up in the five actions, instead of a separate certificate in each. It is said that the appeals were consolidated and ordered to proceed as one appeal. An order so expressed was made on the 18th June, 1910. At that time there were separate judgments in each of the five actions, entered in the Central Office of the High Court, dismissing the actions. There were appeals entered against each of these judgments. But, inasmuch as substantially they had all been tried together, and the evidence was all taken in the one proceeding, and it was expedient,