

23rd December, 1924.

WILLIAM JEMAL and Another - - - Appellants.

v.

ADOLPHE FRITZ SCHUMACHER and Another  
Respondents.<sup>1</sup>

*Appeal, as of right, where the matter in dispute exceeds the value of £300—Rules 2a and 5b of the Order of the King in Council of 15th February, 1909.*

The facts of this case are sufficiently set out in the judgment.

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Application for leave to appeal to His Majesty in Council from a judgment of the Full Court of Appeal.

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*Thompson* for the Appellants.

*Wright* for the Respondents.

McDONNELL, Acting C.J.

The Appellants are entitled as of right to appeal in this case under rule 2 (a) of the Order in Council of 15th February, 1909.<sup>2</sup>

Leave is therefore granted; subject to the Appellants, within three months from this date, giving to the satisfaction of the Court security by bond with two sufficient sureties in £500, or paying into Court £500 within three months from this date, in either case for the due prosecution of the appeal and for the payment of such costs as may become payable to the Respondents.

A further condition will be that the Appellants submit to the Master, within one month from this day, a list of documents which he requires should form part of the record.

I hold that under rule 5 (b) of the Order in Council of 15th February, 1909,<sup>2</sup> we are not concerned to impose any conditions upon the Respondents, as to the date before which they should submit their list of additional documents, or their objections to any documents contained in the Appellants' list.

Such matter would appear to come under rule 7 of the Order in Council, as to which it should be observed that rule 2 of the Amending Order in Council<sup>3</sup> enables a single Judge to give the necessary directions.

The execution of the judgment of the Full Court will be suspended pending the appeal.

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<sup>1</sup> See p. 133.

<sup>2</sup> Vol. III, p. 767.

<sup>3</sup> Vol. III, p. 772.

Costs of this application to be costs in the cause.

The Appellants filed both a petition and a motion, and then stated that they abandoned the latter. The motion must be dismissed, and Respondents must have their costs thereon.

JEMAL  
AND ANOTHER  
v.  
SCHUMACHER.  
—  
McDONNELL,  
ACTING C.J.  
—

PRIOR, Acting J.

I agree.

LEVY, Acting J.

I agree.