

*Judgment of the Lords of the Judicial Committee
of the Privy Council on the Appeal of
Donald McMillan and another v. W. E. Stavert
and others, from the Court of Appeal for
Ontario (P.C. Appeal No. 41 of 1912);
delivered the 23rd July 1913.*

PRESENT AT THE HEARING :

LORD ATKINSON.

LORD SHAW.

LORD MOULTON.

[DELIVERED BY LORD ATKINSON.]

Their Lordships have carefully considered the Judgment appealed from, and they have not heard anything in the arguments which have been addressed to them to induce them to think that it is erroneous in any respect. Accordingly they adopt it, as they think it deals satisfactorily with the questions in dispute. They only wish to add that the statement in the Record on page 439, line 15—"The other Directors seem " to have made common cause with Mr. Stewart, " thereby becoming parties to the breach of trust " if they were not so already"—is, in its phraseology, perhaps unjust to the Directors. Their Lordships think that the fairer conclusion is that the Bank, having got into the straits described, the Directors took upon themselves the risk of putting matters right, but possibly thought that they would not thereby ultimately incur any loss.

Their Lordships think that the Appeal should be dismissed with costs, and they will humbly advise His Majesty accordingly.

In the Privy Council.

DONALD McMILLAN AND ANOTHER

v.

W. E. STAVERT AND OTHERS.

DELIVERED BY LORD ATKINSON.

LONDON:
PRINTED BY EYRE AND SPOTTISWOODE, LTD.,
PRINTERS TO THE KING'S MOST EXCELLENT MAJESTY.

1913.