

although of course the rights of the parties can only be determined at the trial enough has been shewn to enable me to form an opinion of the plaintiff's title and rights within the meaning of the cases above referred to. It is a case too in which damages would probably not prove to be an adequate remedy. *Edge v. Nicolls* (1911), A. C. 693, is the most interesting case I have found as to how astute the Courts are to prevent methods which are calculated to deceive or mislead customers or the public. As to what is covered by "good will" it is sufficient to refer to *Massop v. Nixon*, 18 Grant 453; *Curl v. Webster* (1904), 1 Ch. 685 and *Trego v. Hunt*, (1896), A. C. 7.

The plaintiffs will be at liberty to amend so as to include the Wayside Publishers Limited, and the order to be issued will restrain these defendants as well. There will be an order and injunction restraining the defendants to the extent and in the manner set out in the notice of motion herein, but the plaintiff must proceed to trial promptly, must deliver the statement of claim within two days after notice of this order, join issue promptly, and proceed to trial without delay.

The costs of and incidental to this application will be costs in the cause unless the trial Judge shall otherwise order.

HON. R. M. MEREDITH, C.J.C.P.

APRIL 8TH, 1913.

RE NATIONAL HUSKER CO.

(WORTHINGTON'S CASE.)

4 O. W. N. 1077.

Company — Winding-up — Contributory — Subscription — Absence of Fraud—Loss of Patent—Evidence.

MEREDITH, C.J.C.P., dismissed an appeal by one Worthington from the order of the Master-in-Ordinary in the winding-up of a company under the Dominion Winding-Up Act, placing him upon the list of contributories, holding that there had been no fraud or misrepresentation in connection with the obtaining of the certificate.

Appeal by one Worthington from the order of the Master-in-Ordinary in a winding-up under the Dominion Winding-up Act making him a contributory in respect of \$3,760 balance due upon a subscription for \$5,000 stock of the company.