that it was taxed at so much, initialled by the taxing officer, and marked "filed" in his office.

Held, that this was not a sufficient filing of a certificate of taxation for the purposes of appeal to satisfy the rule laid down in *Langtry* v. *Dumoulin*, 10 P. R. 244.

McCallum v. *McCallum*, 11 P. R. 179 distinguished.

Street, J.] [Feb. 25.

INTERNATIONAL WRECKING CO. *v.* MURPHY.

Company—Shareholders—Use of corporate name in litigation.

A corporation has the same right as an individual to withdraw its name from litigation to which it has been made a party plaintiff, but of which it does not approve. The company itself is the proper plaintiff in actions for injury to the corporate property, and such an action by shareholders alone, showing no reason why the company had not instituted the proceedings, could not be sustained.

But where the complaint was that a majority of the shareholders had obtained possession of the company's name and the control of its affairs, and were using it improperly for their own benefit, and causing injury to the company's property.

Held, that an action could be sustained in the name of one or more shareholders, on behalf of themselves and all others except the defendants, against the company and the majority of the shareholders.

C. J. Holman, for plaintiffs.

Hoyles, for defendant.

Chy. Divisional Court.] [Feb. 21.

MCLENNAN *v.* GRAY.

Appeal from Master's ruling—Time—Reading depositions taken on former application.

An appeal from the ruling of a Master in the course of a reference should be brought on within a month from the date of the ruling, irrespective of the date of the certificate of such ruling.

In a mortgage action there was a reference to a Master for sale, etc. After sale and satisfaction of the plaintiff's claim out of the proceeds, a balance remained in court, which R. G. applied to the Master to have paid out to her. Upon such application R. G. was examined before the Master, who refused the application. An order was afterwards made by a judge referring to the Master to ascertain who was entitled to the fund, and to settle priorities. Upon such reference the Master ruled that the depositions of R. G. taken upon the former application could be read.

Held, reversing the decision of ROBERTSON, J., in Chambers, that the depositions could be read subject to the right of an opposing claimant of the fund to cross-examine R. G. upon them; R. G. to attend for such cross-examination upon payment of conduct money by the other claimant.

A. C. F. Boulton, for the defendant, Rosanna Gray.

Middleton, for the defendant, Allen.

Rose, J.] [Mar. 3.

GREENE *v.* WRIGHT.

Judgment—Motion under Rule 324—Material necessary.

In order to obtain under Rule 324 a speedy judgment before the time for appearance in an action has expired, a plaintiff must show that some injury or injustice is likely to happen or to be done to him if he is not awarded immediate relief.

And where the affidavit of a plaintiff stated that he verily believed it was necessary for the plaintiffs to get immediate judgment in order to protect their interests, and prevent any disposition of the estate that might be prejudicial to the creditors, but no facts were set out upon which such belief was founded, and the utmost shown was that the defendant was in financial straits, and had refused to submit his affairs to investigation, or to make an assignment.

Held, that a motion under Rule 324 for judgment before appearance must be refused.

B. E. Bull, for plaintiffs.

No one for defendant.