

"In the case of *Canada Foundry v. Emmett*, 5 or 6 years ago, the company got an interim injunction, and then was permitted by one Judge after another, during a period of five or six months, to examine witnesses to the extent of eight or nine thousand questions, before the motion to continue the injunction was heard."

I do not know the circumstances of that case, and, probably, the circumstances justify the course taken; but, this naked statement is apparently relied upon as authority for the proposition that in all trades union cases there ought to be prolonged examination. At any rate, there is nothing in this statement to justify the making of the order now sought.

The motion is dismissed, with costs to be paid by the plaintiffs to the defendants, and to Burgess forthwith after taxation.

HON. MR. JUSTICE MIDDLETON.

MAY 15TH, 1912.

RE POLSON IRON WORKS.

3 O. W. N. 1269.

*Company — Shares — Transfer — Refusal of Company to Register — Indebtedness of Transferor to Company Arising After Transfer — Companies Act, R. S. C. (1906), c. 79, ss. 64, 67 — Mandamus.*

Motion by trustees of the marriage settlement of one J. J. Main to whom 500 fully paid up shares of a company incorporated under the Dominion Companies Act had been assigned and for a mandamus to the company compelling them to register such transfer. The company had refused to register on the ground that at the date of such application the said Main was indebted to the company in respect of calls on other shares.

MIDDLETON, J., *held*, that R. S. C. c. 79, s. 67 permitting the directors to refuse to register a transfer of shares belonging to a shareholder who is indebted to the company applies to an indebtedness existing concurrently with ownership and not to an indebtedness arising after a transfer has been made.

Mandamus granted with costs.

Motion by McWhinney and Brown, trustees of the marriage settlement of John James Main and La Della McCahon, for a mandamus directing the company to register a transfer of five hundred fully paid-up non-assessable shares of the capital stock of the company, from the said J. J. Main to the applicant.

R. McKay, K.C., for McWhinney & Brown.

C. A. Moss, for Polson Iron Works Co.