

its property, real and personal, among the members preliminary to connecting themselves with another organization known as the United Mine Workers of America, and introduced and carried resolutions to that effect. This was opposed by the minority who applied for and obtained an interim restraining order.

*Held*, 1. Making the order perpetual, that the majority could not dissolve the lodge under the circumstances and with the object in view, and that the minority, remaining in allegiance to the association had the right to apply to restrain the proposed diversion of funds, and that for such purpose they had the right to make use of the corporate name.

2. The fact that under their Act of incorporation the members had the right to dispose of the property of the lodge "for the benefit of the lodge" did not give the majority the right to dissolve and divert the funds in the manner proposed.

3. The Grand Council, having an interest in the funds of the lodge, was properly made a party to the proceedings.

*D. A. Cameron*, for plaintiff. *J. M. Cameron* and *Harrington*, for defendants.

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Graham, E.J.]

DEVENNE P. WARREN.

[July 12.

*Specific performance—Injunction by foreign court—No answer to claim—Pleas—Striking out.*

It is no answer to an action claiming the specific performance of an agreement for the sale of land that one of the vendors, after the making of the contract, has been enjoined by a court of a foreign country pending the determination of a suit in such court, from transferring property of any kind and wheresoever situate.

Such a defence will be struck out on application for that purpose, as disclosing no reasonable defence to the action.

*Sterne*, for plaintiff. *Casey*, for defendant.