

tion asked for, pending the determination at a trial of the rights of the various parties. Apart from other considerations leading to the conclusion reached, the learned Judge said, in so far as the plaintiffs' right to restrain the defendants from acting as directors depended on the votes representing the two blocks of stock above mentioned, and assuming that the English Tough Oakes Company was entitled to direct how these shares were to be represented and voted upon, he would hesitate, on an application of this kind, and in a matter where the consequences of disturbing existing conditions might be very serious, to find that the evidence of the exercise of the right in that company to direct the manner of voting on the occasion referred to, the 26th January, 1915, was satisfactory. Application dismissed; costs reserved to be determined by the trial Judge. R. McKay, K.C., and A. G. Slaght, for the plaintiffs. G. H. Watson, K.C., and S. J. Birnbaum, for the defendants.

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FOSTER V. OAKES—KELLY, J.—APRIL 22.

*Company—Ownership and Control of Shares—Power of Voting on Shares—Interim Injunction.*—Motion by the plaintiffs to continue an interim injunction restraining the defendants from transferring, holding, or representing, or attempting to transfer, hold, represent, or otherwise deal with certain shares of the capital stock of the Tough Oakes Gold Mines Limited (a co-plaintiff with the plaintiff Foster), or from interfering with or stating or representing any right of the defendants to deal with or represent or vote upon these shares. The motion was heard in the Weekly Court at Toronto. The learned Judge, after shortly stating the facts in a written opinion, said that the position of the defendants upon the motion was not meritorious. The affairs of the company, or rather the question of the ownership or control of large blocks of its capital stock, had become the subject of litigation in other actions, all now pending, some in Ontario and some in England, and injunctions had been issued for various purposes both here and there. Whatever might be said about the strict technical right of the defendants to exercise the powers sought to be restrained, if the matter were being determined at a trial, there was no sufficient ground for refusing to continue the injunction already granted. No hardship such as would justify a removal of the restraint could accrue to the defendants; while, on the other hand, persons having substantial beneficial interests in the company would, pending the determination of important questions relating to the company, be exposed to the risk of having these interests