

1849.
 Hamilton
 v.
 Desjardins
 Canal Co.

the president and directors, in relation to the said company, since the said *Paterson* had been appointed president thereof as aforesaid; and that an account might in like manner be taken of all moneys of the said company received by them, the said president and directors, defendants hereto, or any or either of them, or any other person or persons, by their or any or either of their orders, or for their or any or either of their uses, or which without their or any or either of their wilful neglect or default might or ought to have been received, and of the application thereof, and what became thereof; together with an account of all profits, gains, benefits and advantages realised, made or received by them, or any or either of them, by means of the use or employment of the moneys of the said company, or otherwise, in relation to the concerns of the said company; and also an account of all mortgages, bills, bonds, notes, and other securities had, received, or taken for the moneys of the said company, and of the moneys due and owing thereon respectively, and that the said defendants, the said president and directors, may, or some one of them may be ordered to pay the same into court by a short day to be named for that purpose, and that the said defendants may be ordered to pay to the said company all moneys received by them, or any or either of them, with interest for the same, and all profits, gains, benefits, and advantages whatever, in any way arising therefrom, and that the said defendants may, and each of them may be restrained by the order and injunction of this honourable court, from receiving any further tolls, rents, profits, or moneys of the said company arising from the said canal or otherwise, and from in any manner meddling or interfering with the affairs of the said company, or the conduct or management thereof, until the election of some fit and proper person or persons, as the president and directors of the said company; and that in the meantime some fit and proper person may be appointed by the court to receive and collect the tolls, rents, profits, and moneys of the said company, and to conduct and manage the said canal, and the affairs of the said company.

Judgment.

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