The allegations in these two paragraphs are rather inferences of facts than the direct assertion of facts, and in the substance of them I most fully concur.

We now see clearly that the acts and conduct of the defendants acting unitedly as directors and officers of a company, when they have no right or title thereto, as has been shown, professing to deal with, and professing to have a right to deal with, the affairs of that company to the exclusion of the lawfully constituted directors and officers of that company, is quite a different matter from the *force* of themselves electing themselves on a *small fraction of stock* directors, and then organizing,—appointing one president and another secretary, and another treasurer. Children might engage in the *same force* for pastime; but when these self-constituted directors and their pretended officers by their direction, begin actively to assume the control and management of the affairs of a great company—give public notice dismissing all officers and servants of the company—send a dictorial letter to the lawfully constituted president of the lawful board of directors of the company, demanding serious charges in the policy and terms of construction of a great line of railway—order the correspondence and mail matter addressed to the company to be put by the officers of the post office in a drawer or box to which they alone had the outside key, and access—dispatch a pretended official communication to the Farmer's Loan and Trust Co. of New York, the trustee named in the bonds, not to deliver over the bonds (which came to the knowledge of the plaintiffs' after bill filed, but was admitted on the argument)—the threatening to seize the common seal, office buildings, books, records, property and effects of the company and take forcible possession thereof, &c., &c.,—that which was a laughing farce at the initiation has eventuated in a most serious tragedy.

There has already been most serious injury to the property and civil rights of the plaintiffs, and greater in the same direction are threatened, and must, if the defendants be permitted to go on in their present course of conduct, ensue in the future, for which there is no adequate remedy at law, and loudly demand the interposition of the restraining power of this court by injunction. The injury already done and threatened by a *fraction of a factious minority* of the shareholders is irreparable. The plaintiffs invoke the protecting power of the court. In my opinion, on every conceivable ground, they are entitled to it. Were the court to refuse assistance in such a case as is made before the court in this cause, it would in effect be, in the case of corporative associated commercial enterprise, to relegate the lawful action of majorities to the illegal faction of minorities, and to create distrust in joint stock undertakings, and work the final destruction and overthrow of the confederated enterprises of the world.

The order for an interlocutory injunction upon the defendants restraining &c., until the hearing of this cause and further order of this court I think should be granted.

MR. JUSTICE DUBUC.—I concur in the judgment of the chief justice.

MR. JUSTICE MILLER.—I agree in the conclusion at which the chief justice has arrived, except that I do not think the shareholders, *George H. Adams, Artemas H. Holmes, Thomas F. Oakes* and *Anthony J. Thomas* are *necessary* or *permissible* parties-plaintiff in a suit of this kind. I see that the chief justice doubts that they are permisible parties. Their names, with no expense to either party, may be struck out at the hearing of the cause. Their presence, however, makes no difference on this motion. I think the order for injunction should go.

By the Court.—Order accordingly.