

been recorded by the secretary of the trust company but for the instructions they received from the secretary of the steel company on the 21st July not to do so until after 30th July.

The motion was heard by OSLER, J.A., in Chambers, at the request of a Judge of the High Court.

F. Arnoldi, K.C., for applicant.

W. H. Blake, K.C., for the companies.

OSLER, J.A.—The instructions and the resolution of the steel company on which they were based were evidently given and passed under a misapprehension as to the company's legal right. The transfer being in order and the stock paid in full, the company had no discretion to exercise in the matter, or option but to comply with the demand of the transferee to record the transfer. It may be convenient that for a brief period before the annual or a special meeting of shareholders transfers should not be recorded so as to avoid confusion, or rather perhaps some inconvenience in ascertaining who are shareholders entitled to be present or represented at the meeting, but the power to impose this restriction upon sellers and purchasers of shares has not been conferred upon the company, nor has any authority been referred to which might indicate that, in the absence of statutory authority, the company have any discretion in this respect. The trust company are still the general agents of the steel company for the purpose of recording transfers, under the terms of a somewhat formal and elaborate agreement, and the only reason assigned for passing the resolution resting upon a misapprehension of the legal rights of the steel company, the reservations mentioned in the agreement must be read as limited to instructions and reservations which they can legally impose, or in respect of rights which they could themselves exercise in reference to such a transfer as that in question.

Order made as asked. Costs of the applicant and of the trust company to be paid by the steel company.

ANGLIN, J.

JULY 25TH, 1904.

CHAMBERS.

RE DEWAR AND DUMAS.

*Landlord and Tenant—Overholding Tenant—Summary Proceeding to Recover Possession of Demised Premises—Overholding Tenants Act—Notice of Hearing—Appointment—Affidavit—Service—Irregularity — Waiver — Adjournment—Prohibition.*

Motion by the tenant for prohibition to one of the junior Judges of the County Court of York to prohibit the issue