

In order to avoid any question, I allow an affidavit to be filed more specifically referring to them. The motion will then be dismissed, and costs will be in the cause.

I think it well to note that Mr. Kilmer took a preliminary objection that Rule 362 had not been complied with. . . .

I do not find either in the notice of motion or affidavit filed any mention of any "irregularity complained of and the several objections intended to be insisted on" (see Rule 362). Had the objection been pressed (or if still desired to be pressed), it must prevail, and the motion be dismissed with costs. Those who complain of irregularities are bound to be strictly regular.

The plaintiffs can elect which order they will take.

BOYD, C.

NOVEMBER 4TH, 1903.

WEEKLY COURT.

BURDETT v. FADER.

Injunction—Attempt to Restrain Defendant from Disposing of Property—Status of Plaintiff—Verdict for Damages—Judgment not Entered.

Motion by plaintiff to continue an interim injunction granted by the local Judge at Peterborough restraining defendant from disposing of certain shares in the Traders' Screwless Door Knobs Company so as to defeat plaintiff's claim against defendant. In this action plaintiff had recovered a verdict against defendant for \$700 for libel, but the entry of judgment had been stayed, and an appeal was pending.

D. O'Connell, Peterborough, for plaintiff.

R. D. Gunn, K.C., for defendant, contended that plaintiff was not a creditor and not entitled to an injunction.

BOYD, C.—Plaintiff obtained the injunction ex parte upon an affidavit alleging that defendant intended to sell his stock to defraud the plaintiff and to leave the country with the proceeds. Plaintiff is not yet a creditor, much less a judgment creditor. Plaintiff may or may not get judgment in the case, but he proposes to restrain the sale or disposition of the stock by the defendant till the action is finally determined. There