

the fences and cattle-guards being suitable and sufficient to prevent cattle and other animals from getting off the highways on to the railway.

Held, that the railway company having neglected the provisions of the above section and the animals having from such neglect got upon the railway and were killed, the railway company was liable; and it made no difference in this liability that the cattle had strayed through the lands of an adjoining owner.

Creswicke, K.C., for plaintiff. *Shirley Denison*, for defendants.

Province of Nova Scotia.

SUPREME COURT.

Full Court.]

[Nov. 17.

SUTHERLAND v. GRAND COUNCIL OF PROVINCIAL WORKMEN'S ASSOCIATION.

Injunction—Discretion of judge refusing not reviewed—Corporate funds and business.

After the commencement of their action plaintiffs applied to a judge of the court for an interim injunction to restrain defendant corporation from carrying on business or dealing with the corporate funds pending the trial of the action. The grounds, supported by a number of affidavits, were (1) that certain persons appointed to office in the council were not persons who under the rules of the Association were qualified to hold office, and (2) that certain lodges of the Association were not properly represented at the meeting of council at which such officials were appointed.

The learned judge dismissed the application with costs, holding that the legality of the appointment of the officials in question should not be decided against defendants on an interlocutory application, and that it was not necessary to decide the rights of the lodges to representation at the meeting at which the appointments were made, it not being shewn that any different results would have followed; and also that to grant the injunction would have the effect of preventing the defendant corporation from doing business or carrying on its