

opinion that it was not necessary here. Appeal allowed and order of the Master reversed. Costs here and below to the appellants in any event.

HON. MR. JUSTICE LENNOX.

JULY 4TH, 1913.

CASEY v. KANSAS.

4 O. W. N. 1581.

Injunction—Interim Order—Refusal to Continue—Breach—Contempt of Court—Ignorance—Costs.

LENNOX, J., dissolved an interim injunction on ground that full justice could be done at trial.

Motion by the plaintiff to continue an interim injunction restraining the defendant from proceeding with the erection of a building, and to commit the defendant for contempt of Court in disobeying the injunction order.

E. E. Wallace, for the plaintiff.

W. C. Hall, for the defendant.

HON. MR. JUSTICE LENNOX:—The defendant is a foreigner; and it has been satisfactorily shewn that he did not understand his position until he consulted a solicitor, and he then went no further. He did not knowingly offend; but, as he has occasioned expense to the plaintiff, he must bear the costs of the branch of the motion relating to committal, fixed at \$10. The plaintiff's counsel said that the work was now practically complete. There appears to be a *bona fide* dispute between the plaintiff and defendant; and there is nothing to shew, or even strongly suggest, that the plaintiff is more likely to be right in his contention than the defendant. It is a case in which full justice can be done at the trial, if the parties have not the good sense to come to an agreement meantime. It simply is not a case, as it has been developed, for continuing the interim injunction. Without hampering the action of the trial Judge in any way, the injunction should be dissolved, and the costs reserved for the trial Judge.