

Divisional Court decided that, in such a case as the present, the assignor was a person for whose immediate benefit the action was brought, approving *Macdonald v. Norwich Union Insurance Co.*, 10 P.R. 462. See, too, *Major v. Mackenzie*, 17 P.R. 18. No point was raised at present as to the right of the plaintiff to bring the action. That could, however, be taken by way of defence, if tenable. As the assignee was apparently acting as the plaintiff's solicitor, he must be taken to have given his consent to the action in its present form, assuming that any consent was necessary, and have satisfied himself of the plaintiff being *rectus in curiâ*. Motion dismissed, but, upon the peculiar facts, the costs to be in the cause to the successful party. Grayson Smith, for the defendants. Featherston Aylesworth, for the plaintiff.

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YORK PUBLISHING CO. v. COULTER—LENNOX, J.—APRIL 8.

*Injunction—Interim Order—Trade Name—Infringement—Soliciting Customers—Information Obtained by Former Officer of Company—Grounds for Injunction—Relative Convenience or Inconvenience—Terms.*]—Motion by the plaintiffs for an interim injunction restraining the defendant from in any way using the mailing list of subscribers to the plaintiffs' publication, from canvassing for subscribers or customers of the plaintiffs for any journal published by the defendant, from using any information which the defendant obtained as an officer or servant of the plaintiffs in regard to advertisers, and from printing any journal under the name of "The Journal of Health Administration and Sociology," or under any other name similar to that of the plaintiffs' journal. LENNOX, J., said that where there is serious doubt as to the rights of the plaintiff, and the inconvenience appears to be equally divided between the parties, the Court should not grant an injunction pending the trial: *Sexton v. Brockenshire*, 18 O.R. 640; *Dwyre v. Ottawa*, 25 A.R. 121. In this case he was satisfied that greater inconvenience would result from withholding an injunction than from granting it; and, although, of course, the rights of the parties could be determined only at the trial, enough had been shewn to enable him to form an opinion of the plaintiffs' title and rights, within the meaning of the cases. It was a case, too, in which damages would probably not prove to be an adequate remedy. He re-