

The appeal was heard by MEREDITH, C.J.C.P., RIDDELL, LENNOX, and MASTEN, JJ.

W. S. Brewster, K.C., for the appellant company.

A. G. Slaght and T. J. Agar, for the claimant, respondent.

LENNOX, J., reading the judgment of the Court, said that, in view of the consent signed at the opening of the arbitration and the understanding then come to, as well as the way in which the evidence was directed, he did not think the award should be changed by reason of the divided ownership and severance of the land existing at one time. The finding of the majority of the arbitrators, dependent upon verbal testimony, should not be disturbed unless there was cogent reason for believing that an erroneous conclusion as to the measure of compensation had been come to.

The learned Judge was inclined to believe that the proper principle of assessment was acted upon; but the statement of the majority of the arbitrators did not put the matter entirely beyond controversy. The learned Judge was, however, strongly impressed with the view that the award was for a sum considerably larger than could be justified by the evidence. As to the smaller sums, including \$1,250 for the land taken, the award should not be disturbed, although \$250 an acre for the 5 acres taken was rather high. The allowance of \$5,000 for severance, having regard to the total value of the land and the other considerations, was very much beyond anything that could be justified. The award should be reduced by \$1,200.

The appellant company should have two-thirds of the costs of the appeal.

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#### HIGH COURT DIVISION.

SUTHERLAND, J.

MARCH 13TH, 1916.

#### McCLURE v. LANGLEY.

*Company—Illegal Acts of Director—Meeting of Shareholders to Confirm—Injunction—Absence of Fraud or Concealment—Acts intra Vires of Company—Amendment—Parties.*

Motion by the plaintiffs, two of the shareholders of McClure & Langley Limited, for an interim injunction restraining the defendant Langley, also a shareholder, and director, from procuring a meeting of the shareholders to be called for the purpose of confirming alleged illegal acts on his part, and restrain-