

defendants, until the trial of the action, from holding a special general meeting of the shareholders of the appellant company for the purpose of approving and confirming certain acts of the directors.

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

A. C. McMaster, for the appellants.

W. R. Smyth, K.C., and J. F. Boland, for the plaintiffs, respondents.

MEREDITH, C.J.C.P., at the conclusion of the argument, said that he was in favour of allowing the appeal and discharging the interlocutory injunction order, on the preliminary ground that, no such order was necessary for the protection of the plaintiffs' rights, if any they had.

Injunctions are not to be granted or upheld merely because they may do no harm; and, if they were, this case could hardly be called one of that character.

Interlocutory injunction orders should be made only when preservation of property or other rights during the litigation requires it. Nothing had been said that could bring this case within that class.

On other and farther-reaching grounds the attempt to uphold the order might also fail; but, as all parties did not agree to this appeal being treated as a motion for judgment in the action, it was better to abstain from saying anything as to other grounds more than this: that the creditor-plaintiff has no writ of execution and so no control over his debtor's property; and that, if he had execution, the control should be such as could be exercised under it. And as to the shareholder-plaintiff, no case had been cited, and the learned Chief Justice knew of none, in which an injunction had been granted preventing a lawful meeting of the shareholders of a company; nor could the Chief Justice perceive why any such injunction as that in question could be needful or even useful. If that which is to be done at the meeting is lawful, what justification can there be for preventing it? Whilst, if anything unlawful is done, the plaintiffs can have then as effectual remedies—if they should be entitled to any—as any they could have now. And why assume that anything unlawful shall be done? It would be going altogether too far to interdict the intended meeting on account of anything disclosed in the material before the Court, or indeed upon anything said upon the argument.

The costs of the motion and of this appeal should be costs in the action to the defendants in any event; and the appeal should be allowed, and the injunction order set aside.