

## REX V. ATLAS—TEETZEL, J., IN CHAMBERS—FEB. 18.

*Criminal Law—Procedure—Removal of Indictment from Sessions into High Court.*]—Motion on behalf of the defendant for a certiorari to remove into the High Court an indictment found against him on the 31st March, 1910, by the grand jury at the General Sessions of the Peace for the County of York. TEETZEL, J., said that, upon the perusal of the material filed and a consideration of all the authorities cited and others referred to in Halsbury's Laws of England, vol. 10, pp. 181-3, he was of opinion that a case had been established which warranted, within the authorities, an order being made to remove the indictment into the High Court; and he directed that an order should issue accordingly. No costs. S. H. Bradford, K.C., for the defendant. J. R. Cartwright, K.C., and T. L. Monahan, for the Crown.

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## SEXTON V. BROCKENSHIRE—TEETZEL, J.—FEB. 18.

*Interim Injunction—Covenant—Restraint of Trade—Legal Right not Clear—Relative Convenience or Inconvenience.*]—Motion by the plaintiff for an interim injunction to restrain the defendant from carrying on business as a barber contrary to the provisions of an agreement between him and the plaintiff. TEETZEL, J., said that, upon the material filed upon the application, and having regard particularly to the affidavit of the defendant, who might possibly be entitled to a reformation of the agreement, he was not able to form a satisfactory opinion as to the plaintiff's legal rights; in order to determine those rights, it would be necessary to hear the evidence. It is well-settled practice that, where the legal right is not sufficiently clear upon the material to enable the Court to form an opinion, the Court will generally be governed in deciding an application for an interim injunction by considerations of the relative convenience or inconvenience which may result to the parties from granting or withholding the order; and where the inconvenience seems to be equally divided, the injunction will not be granted: see *Dwyre v. Ottawa*, 25 A.R. 121, 130. In this case it could not be said that delaying the matter until the trial would result in more loss to the plaintiff than the defendant would suffer if an injunction were to be granted against him and afterwards dissolved. Motion refused; costs in the cause, unless the trial Judge otherwise orders. H. S. White, for the plaintiff. C. F. Ritchie, for the defendant.