

REVIEW OF CURRENT ENGLISH CASES.

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**EXPROPRIATION OF LANDS—CHARITY—APPLICATION TO COURT TO
SETTLE NEW SCHEME—COSTS.**

In re Woodgreen Gospel Hall (1909) 1 Ch. 263. Certain lands belonging to a charity were, pursuant to statutory powers, expropriated by the London County Council; and in consequence of such expropriation, it became necessary to apply to the court for a new scheme for the regulation of the charity, and it was held by Warrington, J., that the costs of such application are payable by the expropriators.

**COMPANY—ACTION IN NAME OF COMPANY—DIRECTOR HAVING
MAJORITY OF VOTES—MOTION IN NAME OF COMPANY TO STAY
ACTION BROUGHT IN ITS NAME—COSTS—SOLICITOR.**

In Marshall's Valve Gear Co. v. Manning (1909) 1 Ch. 267 a motion was made in the name of the plaintiff company to stay the action as having been brought without its authority. The facts were that there were four directors of plaintiff company who between them held substantially the whole of the subscribed share capital of the company. One of them, Marshall, held the majority of the shares, but not three-fourths. The other three shareholders were also interested in the defendant company, which was owner of a patent, which, as Marshall claimed, was an infringement of a patent owned by the plaintiff company, and he authorized the present action to be brought against the defendant company to restrain such alleged infringement. The other three directors were opposed to the bringing of the action. In these circumstances the three opposing directors in the name of the plaintiff company moved to stay the action. It was admitted that it would be useless to call a meeting of shareholders, as Marshall had the majority of votes and wished the action to go on. Neville, J., was of the opinion that the majority of the shareholders had a right to control the action of the directors, and that the motion must be refused, and that with costs, and as the opposing directors who had instituted the application were not nominally before the court, the solicitors who had instituted the proceedings must be personally ordered to pay them as between solicitor and client.