

STREET, J.]

[April 13.]

STEPHENSON v. VOKES.

Company—New stock—By-law for allotment by shareholders—Right of directors to allot—Directors—By-law passed at annual general meeting for duration of office—Right of shareholders at special general meeting to vary.

Where a by-law is passed at the annual general meeting of a company providing for the allotment of certain new stock by the shareholders, the directors have no power to pass a by-law directing its repeal and providing for the allotment by themselves.

At a meeting of the directors of a company a by-law was passed providing that they should hold office for one year and until their successors were appointed, which was subsequently confirmed by the shareholders at the annual general meeting of the company, and certain persons were appointed directors.

Held, the by-law so passed could only be repealed at the next annual general meeting of the company, and therefore a by-law passed during the director's year of office, by the shareholders at a special meeting of the company, providing that the appointment should be terminable by resolution, was invalid.

Mulvey and McBrady, for the plaintiffs.

S. H. Blake, Q.C., and Denton, for defendant Vokes.

Bicknell, for defendant Oxenham.

BOYD, C.]

[April 18.]

FROWDE v. PARRISH.

Copyright—Person procuring book to be compiled for him—Proprietor—Residence in England—Agent copyrighting—Printing infringement.

A person, resident in England, who procures a book, for valuable consideration, to be compiled for him, is the proprietor thereof, and entitled to copyright the same under the Dominion Copyright Act, R.S.C., cap. 62 (in this case a book called "Helps to the Bible"), and printing and publishing the same from stereotype plates imported into Canada, is a sufficient "printing" within the meaning of the Act, though no typographical work is done in preparation thereof. American reprints of the plaintiff's copyright book added as an appendix to American reprints of the Bible imported into Canada, was held to be a violation of the plaintiff's rights.

T. W. Hodgins, for the plaintiff.

J. A. Macdonald, for the defendant.

ARMOUR, C.J.]

[April 28.]

BROWN v. COUGHILL.

Arbitration and award—Motion to set aside—When to be made.

Where an award under a consent reference was made on the 27th of January, 1896, and published on the 30th, a motion to set same aside, made on the 17th of April following, is too late.

Crothers, for the applicant.

Moss, Q.C., and McLean, (St. Thomas) contra.