

is illegal and void as against the plaintiff; (b) declaring that the plaintiff, as against the defendant Fair, is entitled to recover these shares and the dividends and profits thereof during 1915 and all subsequent dividends and profits, and that the defendant Fair is to account for and pay to the plaintiff the whole of these dividends or profits with interest upon the several sums from the dates they respectively became payable, computed with annual rests; (c) directing the defendant forthwith to assign and transfer 100 fully paid-up shares to the plaintiff; (d) and directing a reference to the Local Master at Owen Sound to take an account, and judgment to be for the plaintiff for the amount which shall be found due by the Master. The plaintiff to have the costs of the action and reference against the defendant Fair. If it should be shewn before the entry of judgment that it is beyond the power of the defendant to transfer the shares as directed, the scope of the reference should be enlarged; on this point, the learned Judge may be spoken to, if necessary. W. H. Wright, for the plaintiff. D. Inglis Grant, for the defendants.

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MILLER v. TIPLING—FALCONBRIDGE, C.J.K.B.—SEPT. 28.

*Injunction—Motion for Interim Injunction—Use of Private Way—“Garage”—Municipal By-law.*]—Motion by the plaintiff for an interim injunction restraining the defendant and his subtenants from using the side entrance between the plaintiff's and the defendant's premises. The motion was heard in the Weekly Court at Toronto. FALCONBRIDGE, C.J.K.B., in a written judgment, said that the right to relief was not so clear as to justify the granting of an interim injunction on any ground put forward by the plaintiff. The “garages” mentioned in by-law No. 6061 of the City of Toronto are “garages to be used for hire or gain,” that is, public garages, automobile liveries: *City of Toronto v. Delaplante* (1913), 5 O.W.N. 69, 25 O.W.R. 16. Motion adjourned to the hearing without injunction in the meantime. Costs of the motion to be costs in the cause unless the trial Judge shall otherwise order. Alexander MacGregor, for the plaintiff. J. H. Bone, for the defendant.