

trade and their customers and persons who had purchased some of the razors from the plaintiffs, that they must not sell any of such razors except at a minimum price of \$5 each; and that, if they did, they would be liable in damages; that the defendant company would sue them therefor; and that they would also be liable to be prosecuted criminally.

The defendant company put in nothing in answer to the motion except the cross-examination of the plaintiffs on their affidavits; and in that cross-examination the plaintiffs' statements in their affidavits that the defendant company's claim was made in bad faith and with a knowledge that it did not exist, was not shaken. The only justification offered was that the defendant company's claim was made in the interest of its business. That was not a denial of the plaintiffs' statements that the claim was made in bad faith and with the knowledge that it was without foundation. The evidence shewed that the defendant company's conduct had already occasioned damage to the plaintiffs, and, if continued, would cause further damage.

A man who in good faith believes that he has a legal right may, in defence of that right, adopt a course which injures another, without committing an actionable wrong; but, if he knows that he has no legal right to what he claims, he cannot be acting in good faith if he sets up the claim; and, if his conduct injures the other party, it is actionable: *Halsey v. Brotherhood* (1881), 19 Ch. D. 386, 393; *Hermann Loog v. Bean* (1884), 26 Ch. D. 306.

The plaintiffs should have an interim injunction as asked, but they should speed the trial of the action; costs of the motion to be costs in the cause.

LOGIE, J., IN CHAMBERS.

NOVEMBER 7TH, 1919.

ALEXANDER v. ALCEMO MANUFACTURING CO.

Writ of Summons—Service out of the Jurisdiction—Order Permitting Service Set aside by Master in Chambers—Appeal from Master's Order—Notice of Appeal—Grounds of Appeal—Sufficiency of Statement—Rule 218—Notice Served not Specifying Return-day—Rule 505 (2)—Extension of Time under Rule 176—Absence of Merits—Cause of Action—Contract—Warranty—Assets in Ontario—Rule 25 (h).

Appeal by the plaintiff from an order of the Master in Chambers setting aside an order allowing service of notice of the writ of summons on the defendant the Alcemo Manufacturing Company out of the jurisdiction.