

defendants against them will be allowed and the action dismissed, but without costs, and their appeal will be dismissed with costs.

The appeal of the defendants against the plaintiffs as to the quantum of damages could not succeed.

As against all the plaintiffs except the company and Orford the appeal of the defendants should be dismissed, with costs on the Supreme Court scale.

BRITTON, J., agreed with RIDDELL, J.

FERGUSON, J.A., read a judgment, in which, after a discussion of the facts and law, he stated his conclusion that the defences failed, and that the damages awarded to the respective plaintiffs should not be increased or diminished. But, in view of the fact that the plaintiffs at the trial established their right to an injunction, and in view of the possible, if not probable, damage that the plaintiffs would suffer during the suspension of the injunction—that suspension being in ease of the defendants—the enforcement of the injunction should not have been postponed for nearly a year; and, unless the defendants were now willing to make some reasonable compensation to the plaintiffs therefor, the judgment of the trial Judge should be amended by striking out the words “from and after the 15th day of May, 1919.” In other respects, the judgment should be affirmed, and the appeals of both plaintiffs and defendants dismissed with costs.

The application of the plaintiff company to put the quit-claim deed in evidence should be granted, upon the terms stated by RIDDELL, J.

LATCHFORD, J., agreed with FERGUSON, J.A.

In the result the appeals of both plaintiffs and defendants were dismissed with costs on the Supreme Court scale, with the exception of the defendants' appeal as to the plaintiff company and the plaintiff Orford. If these plaintiffs elect, within 10 days, to take an issue and pay the costs of the appeal, an issue may be framed and the further disposition of the defendants' appeal as to them reserved until after the trial of the issue; otherwise, the appeal of the defendants against these plaintiffs will be dismissed, but without costs.