

Section 322 (3) of the Municipal Act perhaps applied to this case. Even if it did not apply, it indicated the true principle.

The arbitrator must determine the price having regard to the thing taken. If the right to take for all time is intended, the price must be fixed with that in view; and, if it is shewn that in the future the value of gravel is likely to be greater than at present, the price will no doubt be greater than the present market-value.

It was said that an arbitrator had been appointed under sec. 339. This appointment must fall with the by-law.

Order quashing the by-law with costs.

MULOCK, C.J. EX.

NOVEMBER 7TH, 1919*

McKENZIE & KELLY v. AUTO STROP SAFETY RAZOR CO.

Injunction—Interference with Sale by Plaintiffs of Goods Manufactured by Defendants—Defamatory Statements—Claim Made in Bad Faith—Evidence—Interim Injunction—Speedy Trial.

Motion by the plaintiffs for an interim injunction restraining the defendant company from making or publishing any statement to the effect that the plaintiffs, or any purchasers from them, are not entitled to resell certain razors purchased by them from the Department of Militia for Canada, or that no resale of any such razors should be at less than \$5 per razor, or that such razors were not for sale to the trade or to the public, or that any such resale was an infringement of the defendant company's patent for such razors, or that any purchaser from the plaintiffs of any such razor was subject to prosecution in the event of a resale at less than \$5 per razor, and from interfering with any contract or any customer of the plaintiffs, or procuring or enticing any of the plaintiffs' customers to break their contracts with the plaintiffs, and restraining the defendant company from publishing or continuing to publish libels or slanders concerning the plaintiffs and from interfering with the resale of the razors.

The motion was heard in the Weekly Court, Toronto.

W. R. Wadsworth, for the plaintiffs.

John I. Grover, for the defendant company.

MULOCK, C.J., read a judgment in which, after stating the facts, he said that the evidence shewed that the defendant company's manager notified and was notifying various persons in the