

disposed of by such purchasing newspaper publishers as a Christmas or holiday number for their papers. Plaintiffs have been publishing the said periodical for many years and allege that it is an important and lucrative part of their business, from which they have derived considerable profits. Defendant Tibbs was in the employment of plaintiffs prior to November, 1903, in the capacity of salesman, selling the periodical above referred to, and in that capacity travelled each year through different parts of the Dominion of Canada, and became personally acquainted with plaintiffs' customers. He left plaintiffs' employment in November, 1903, and entered that of defendant company.

By their statement of claim plaintiffs charge that the defendant company decided to issue a publication, under the name "Christmas Number," similar to the publication issued by plaintiffs, and to sell the same to publishers of newspapers to be issued by them as Christmas numbers for their various publications; that for the purpose of carrying out their intentions, the defendant company sent out defendant Tibbs as their salesman much earlier in the season than it was the custom of plaintiffs to send out their salesman, and that defendant Tibbs travelled as such salesman for defendant company throughout the Dominion of Canada, soliciting orders for the publication of defendant company from the various customers from whom formerly he had solicited orders on behalf of plaintiffs. They further charge that for the purpose of inducing the various customers of plaintiffs and others to give their orders to defendant company for the said publication, defendant Tibbs and defendant company, through and by Tibbs as their accredited agent and representative, falsely and maliciously made to many persons untrue and fraudulent statements, . . . intending thereby to injure the trade and business of plaintiffs, and well knowing the same to be untrue.

The statements differed somewhat from each other, but were to the effect that the Press Publishing Company (the defendant company) had taken over the business of the Shepard Publishing Company (the plaintiffs) or that part of their business relating to the publication of the Christmas annual, and that plaintiffs were going out of that branch of the business. These words, or words to the like effect, were spoken to the different publishers, Wilson, Elliott, Featherston, Gordon, Denholm, Fanson, Ellis, and Hogg.