

than the company, maliciously colluded and joined in a conspiracy to procure the incorporation of a company to engage in business in competition with plaintiffs; to induce plaintiffs' servants to break their contracts of employment and to go to defendants; to communicate private and confidential information with reference to plaintiffs' business, the knowledge of which was obtained while in plaintiffs' employment; to print and publish false and malicious statements in relation to plaintiffs' business; to abstract from the business office and to appropriate to the use of defendants certain records, and to abstract from plaintiffs' machine shop and to appropriate to the use of defendants all plaintiffs' fine tools which had theretofore been and were being used in the manufacture of machines and appliances for use in the manufacture of plaintiffs' products, and to use the tools to duplicate plaintiffs' machines and appliances; to make use of private and confidential information acquired by defendants Baird and Hoose while in plaintiffs' employment to duplicate plaintiffs' special machinery; to make use of private and confidential information acquired by defendants King, Harcourt, Trout, and Archibald, while in the employment of plaintiffs, to make for the use of defendants a list of plaintiffs' customers in Toronto, without compensation and to the great injury of plaintiffs; and to deprive plaintiffs of and to give to defendants the business which plaintiffs and their predecessors in title had built up. . . .

The matter was frequently talked over among the defendants, other than Hoose, who in the earlier stages does not appear to have been taken into their confidence. Matters progressed so far that it was decided to place the matter of the formation of the company in the hands of one Wovenden, of Montreal. Meetings were held for 2 or 3 months before 15th June. Wovenden came to Toronto; the prospectus was discussed with him, and he received from defendants, other than Hoose, the data from which it was compiled. I find that this prospectus was printed as early as 6th May, and, while it was not made public, it was shewn to various persons with the object of procuring subscriptions for stock in the proposed company. It is marked private and confidential, and is headed "Prospectus," and is in part as follows:—