It was not enough to say that the defendant could seek employment in Montreal or Ottawa or Hamilton. Subject to certain restrictions, he had the right to live and labour in Toronto, and the people of Toronto had the right to the gain resulting from industry and legitimate competition.

The appeal should be allowed and the action dismissed, with costs here and below.

RIDDELL and MASTEN, JJ., concurred.

MEREDITH, C.J.C.P., was of opinion, for reasons stated in writing, that the restraint was not a reasonable one, and was obtained in such circumstances that it ought not to be enforced. The case was plainly not one in which the reasonable and unreasonable parts of a contract are separable: see Allen Manufacturing Co. v. Murphy (1911), 23 O.L.R. 467.

Appeal allowed.

SECOND DIVISIONAL COURT. JUNE 28TH, 1916.

RE SLATER AND CITY OF OTTAWA.

Municipal Corporations—Expropriation of Land—Compensation—Method of Estimating—Evidence—Market Price—Fair Selling Value—Scheme of Subdivision and Sale—Wrong Basis for Award—Appeal—Reference back to Arbitrator—Costs.

Appeal by the Corporation of the City of Ottawa, contestants, from an award of the Official Arbitrator for the city, in favour of the claimants, upon an arbitration to ascertain the compensation to be paid by the city corporation in respect of two blocks of land of the claimants taken for the purposes of a drainage system. The arbitrator awarded the claimants $10,950 in respect of one block of land and $10,050 in respect of the other.

The appeal was heard by MEREDITH, C.J.C.P., RIDDELL, LENNOX, and MASTEN, JJ.

F. B. Proctor, for the appellants.

R. G. Code, K.C., for the claimants, respondents,.

The judgment of the Court was read by MEREDITH, C.J.C.P. He said that he could not think that the Official Arbitrator was