

There was some evidence offered that, while the records, pattern sheets, and special tools, were necessary and useful to plaintiffs in their business, and were helpful to defendants, yet that defendants did not use them to any appreciable extent. I do not believe defendants when they so state. The evidence satisfies me beyond doubt that this confidential information, which was admitted to be beneficial to defendants, and which was admitted to have been used by defendants to a limited extent, was wholly appropriated by them, to the extent of their wants, for the purpose of carrying out their scheme to appropriate plaintiffs' business, and I find as a fact that the defendant company was incorporated for that express purpose, is managed by the personal defendants, and has, as far as a company may without formal by-law or resolution, adopted and taken the benefit of the wrongful acts of the other defendants.

Hoose, who does not appear to have taken any active part in the earlier stages of the conspiracy, left plaintiffs' employment at the solicitation of defendants, and assisted them in their undertaking by carrying away the tools of plaintiffs and using them in furtherance of defendants' business, and I infer from the evidence, and find as a fact, that he had knowledge of the wrongful actions and intentions of defendants, and joined them with a view of assisting them in carrying out their scheme under the inducement of higher wages and in breach of faith with plaintiffs, his former employers.

It is a necessary implication of a contract of service that the servant shall serve his master with good faith and fidelity. . . .

[Reference to *Robb v. Green*, [1895] 2 Q. B. 315; *Lamb v. Evans*, [1893] 1 Ch. 218, 226; *Morrison v. Moat*, 9 Hare 241, 255, 258; *Albert v. Strange*, 1 Macn. & G. 25; *Louis v. Smellie*, 73 L. T. N. S. 226; *Liverpool Victoria Legal Friendly Society v. Houston*, 3 Court of Sess. Cas., 5th series, 42; *Merryweather v. Moore*, [1892] 2 Ch. 518; *Stone v. Goss*, 65 N. J. Eq. 756; *Brown v. Hay*, 25 Rettie 1112; *High on Injunctions*, 4th ed., sec. 19.]

On this branch of the case I am of opinion that plaintiffs are entitled to an injunction and to a reference to ascertain the damages.