

AUTO STROP SAFETY RAZOR CO. v. MCKENZIE & KELLY—
MULOCK, C.J.Ex.—Nov. 8.

Injunction—Motion for Interim Injunction—Relief Granted in Cross-action—Costs.—Motion by the defendants for an interim injunction restraining the plaintiffs from slandering the defendants' title to certain razors. The motion was heard in the Weekly Court, Toronto. MULOCK, C.J.Ex., in a written judgment, said that the action was brought for damages for infringement of the plaintiffs' patent, and for an injunction to restrain the defendants from selling Auto Strop safety razors. When the motion came on for hearing, the defendants had not filed a statement of defence or counterclaim, and the objection was taken that, until they had done so, they were not entitled to an injunction. Thereupon the defendants' counsel expressed his intention to institute an action against the company (plaintiffs in this action) and in that action to move for an injunction, whereupon it was ordered that the motion should stand over. The threatened action against the company was begun, and the plaintiffs in that action moved for an injunction, and that injunction was granted: see *McKenzie & Kelly v. Auto Strop Safety Razor Co.*, ante 150. It therefore became unnecessary to deal with the motion for an injunction in this case. The costs of the motion should be left to the discretion of the trial Judge. W. R. Wadsworth, for the defendants. John I. Grover, for the plaintiffs.