

take themselves to all lawfully accessible sources of information, as to the way in which persons dealing upon credit, in the largest and most open form, actually acquit themselves of their obligations. Without some such information their business could not be carried on : And it will always be more or less prosperous and creditable, precisely in proportion to the extent of that information ; and the opinion publicly entertained of their care and diligence in collecting it. But they have thus not only a fair *interest* in obtaining the information contained in these lists : In many cases it is their first and highest *duty* to seek to obtain it. Such of them as are Managers or Directors of joint-stock banks, or other trading associations, and are daily called upon as such to discount or receive bills to an enormous extent, would evidently be wanting in the first duty to their constituents, and indeed to the public at large, if they went about these most responsible operations, without using all possible means to inform themselves of the condition of those with whom they are at all likely to be engaged in them. But, on the other hand it is equally obvious, that it can never be their interest, but very much the contrary, to annoy or offend any solvent persons who might otherwise be disposed to deal with them ; and, consequently, all idea of malice, or even indifference to the feelings of persons in the alleged situation of the complainers is palpably excluded.

“ But, if each of these persons might lawfully and laudably seek this information for himself, why should they not combine to obtain it more cheaply, completely, and expeditiously, for the whole ? And it is not seriously questioned that this is the sole object of their publication.

“ Upon this general ground, therefore, I should have held that the Respondents would have been entitled to print and circulate a list of registered protests, even if they had obtained the materials for it by their own private researches ; as by each banker or extensive dealer contributing for mutual information, a notice of such as had occurred in his own transactions. But the case becomes greatly more favorable for them, when it is considered that they have merely published the contents of a Public Register.”

LORD MURRAY.—“ I have come to the conclusion that the Complainer has entirely failed in making out a case for the interference of the Court. He admits that all these records are public to a certain extent. The *onus probandi*, therefore, rests with him to shew that they are private in any respect ; and unless he does so, he has no ground to apply for an interdict to prevent any Association of persons from printing them, to be circulated among those who think the information they contain useful to themselves. I think it enough that the Complainer has shewn no ground for the interference of the Court which he calls for ; but I also agree with Lord Jeffrey, in the further conclusion, that all these Records are truly of a public nature, and that any restraint of the publication would be in opposition to the principles of law upon which they have been established ”

LORD COCKBURN.—“ I am of opinion, that the Interdict ought to be refused.

“ The Respondents are not uninterested intruders, who are meddling with matters with which they have no concern. They are all traders ; and though none of them may at present, so far as they know, be involved with the Complainer, they are all exposed to be so, as with other merchants, and often without their knowledge, every day. In this situation, they can neither con-