

due by the Master, said lien to rank in priority to the estate or interest of the defendants or mortgagees, in so far as the work done and materials provided by the plaintiff have increased the selling value of said lands. Judgment for the plaintiff with costs, but costs of the reference reserved. If necessary to enforce his lien by sale, the plaintiff may apply for further order and directions.

Lazier & Lazier, Hamilton, solicitors for the plaintiff.

Clute, Macdonald, & MacIntosh, solicitors for the defendant company.

Teetzel, Harrison, & Lewis, solicitors for defendant Hillman.

MACMAHON, J.

AUGUST 1ST, 1902.

TRIAL.

OMAN v. COPP-CLARK CO.

*Copyright — Infringement of — Imperial Act 5 & 6 Vict. ch. 45 —  
Injunction—Damages.*

Action brought by the plaintiff, a professor of ancient history at Oxford University and author of a work "A History of Greece from the Earliest Times to the Macedonian Conquest," published in 1890, against the defendants, the Copp-Clark Co., W. J. Robertson, and John Henderson, for alleged infringement of the plaintiff's copyright in part of the book entitled "High School History of Greece and Rome," published in 1896. The plaintiff's work was registered pursuant to Imperial Copyright Act 5 & 6 Vict. ch. 45. Defendants the Copp-Clark Co. consented to a perpetual injunction against their further dealing with the book and agreed to deliver up all unsold copies. Defendants Robertson and Henderson contended that their history, except maps and plans, is the bonâ fide result of their labour and research among standard authorities, and that the maps and plans were utilized by the Copp-Clark Co. on the company's own authority without their consent.

G. F. Shepley, K.C., and J. F. Smith, K.C., for plaintiff.

D. E. Thomson, K.C., for defendants Copp-Clark Co.

C. A. Moss, for defendants Henderson and Robertson, cited *Speirs v. Brown*, 6 W. R. 352; *Scrutton's Law of Copyright*, 3rd ed., 138; *Bromwell v. Halcomber*, 3 My. & Cr. 738; *Folsam v. Marsh*, 2 Story 115; and *Copinger's Law of Copyright*, 3rd ed., 63.

MACMAHON, J.—Held, that the plaintiff had used the historical facts common to all, but had shewn originality in