

Sir Charles Hall, V.-C., in *Hogg v. Scott*, L.R. 18 Eq. 444, 458, says: "The true principle in all these cases is, that the defendant is not at liberty to use or avail himself of the labour which the plaintiff has been at for the purpose of producing his work—that is, in fact, merely to take away the result of another man's labour, or, in other words, his property."

In my opinion, the evidence here clearly brings this case within that principle; and, although the defendant has in the lists contained in his book inserted a considerable amount of original information which probably does not infringe on the plaintiff's rights, it is not practicable, upon the evidence, to separate it from the pirated matter so as to leave the original material of any value or use for publication. . . .

[Reference to *Mawman v. Tegg*, 2 Russ. 385, 390, 391.]

I think, therefore, the proper judgment to be entered is, that the defendant's publication known as "The Canada Legal Directory, 1911," is, in respect of the lists of barristers and solicitors and of Judges and Court officials therein contained, an infringement of the plaintiff's copyright in respect of the Canadian Law List, 1910, and that the defendant be restrained from further printing, publishing, or selling the said Canada Legal Directory, 1911, or any reprint or future edition thereof containing any of the said lists, and that it be referred to the Master in Ordinary to ascertain the plaintiff's damages, and that the defendant pay to the plaintiff the costs of action up to and including this judgment. Costs of reference and further directions reserved until after the Master's report.

MIDDLETON, J.

JANUARY 5TH, 1912.

MINNESOTA AND ONTARIO POWER CO. v. RAT PORTAGE LUMBER CO.

Interim Injunction—Balance of Convenience—Bonâ Fide Dispute—Water Rights.

Motion by the plaintiffs for an interim injunction restraining the defendants and each of them from interfering with the natural flow of the waters of the Rainy River past the lands and works of the plaintiffs at or near Fort Frances, by damming and storing the waters of certain lakes.