

istration order on a party interested who is out of the jurisdiction, under Ord. xv., r. 40 (Ont. Rule 322), was thereby withdrawn. It would seem that Ont. Rule 1309, which follows in the same line as the English Rule of 1894, is open to the same objection, and appears to need an amendment of subsection 7 so as to include therein judgments and orders among the proceedings authorized to be served out of the jurisdiction. Although it is held that there is no power to allow service of an administration order on a person out of the jurisdiction, yet the Court of Appeal (Lindley and Smith, L.JJ.) lay it down that the person having the carriage of the proceedings may notify the absent party by letter of the proceedings, and, if he does not choose to intervene, the court will proceed to administer and distribute the fund in his absence.

COPYRIGHT—PERIODICAL—NAMES OF PROBABLE WINNING HORSES—INFRINGEMENT OF COPYRIGHT.

The case of *Chilton v. Progress Co.*, (1895) 2 Ch. 29, was an action to restrain an alleged infringement of copyright. The plaintiff, who published a weekly periodical, under the title of "One Horse Selections," printed in this periodical a list of the horses he expected to win at races in the ensuing week. The defendants published each day at race meetings a sheet or card giving, under the title of "The Specials, One Horse Finals," a list of horses which the plaintiff and other sporting authorities had published as likely to win on that particular day, with the names of those who had selected them. The Court of Appeal agreed with Kekewich, J., that the plaintiff's announcement of the names of probable winning horses was not in the nature of a literary composition which could be protected under the Copyright Acts, and that the defendants had not infringed the copyright in the plaintiff's periodical. The law of copyright is being gradually elucidated, and it is satisfactory to know that as a tailors' scale for cutting out garments is not a literary composition, so neither is the name of a horse, even though it indicate the vaticination of some knowing turf prophet.