

I also find that the defendant, as the result of independent efforts and inquiry, collected many additional names and much material and information of value for a law list; and I also find that, while the defendant adopted much of the method of the arrangement of the material, he also adopted many changes in the arrangement which may be claimed as improvements on the plaintiff's methods.

The defendant's summary of the laws of the provinces is the result of independent effort, which, with much other information in his book, has not infringed upon the plaintiff's rights.

I think, however, that, under the authorities, it must be adjudged that the defendant has, in respect of the lists of barristers and solicitors and Judges and Court officials, substantially availed himself of the labour of the plaintiff, and has been guilty of an infringement of the plaintiff's copyright, being his exclusive right, under the law, of printing or otherwise multiplying copies of his original work as contained in his law list of 1910.

There was, of course, nothing to prevent the defendant preparing a rival law list, provided the material collected for the same was the product of his own original effort or was obtained from sources not copyrighted.

It is not necessary for me to decide whether the defendant could have escaped liability in respect of the barristers' and solicitors' lists, if he had got replies from all the persons to whom he sent correction slips, because in very many cases he did not get replies, and in those cases he copied the names as he found them in the plaintiff's lists after revision by the local Court officials.

[Reference to *Garland v. Gemmell*, 14 S.C.R. 321.]

Nor is it necessary to decide what would have been the consequence if the defendant had got the original information from the Local Registrars as to the Judges and Court officials, if it had chanced to have been the same as appeared in the plaintiff's lists, because the defendant admits that, in two cases at least, he copied the material out of the plaintiff's book and submitted it to the Local Registrars for revision and correction, and thus appropriated to himself the results of the plaintiff's diligence and labour.

[Reference to *Lewis v. Fullarton*, 2 Beav. 6, 8; *Hotten v. Arthur*, 1 H. & M. 603; *Kelly v. Morris*, L.R. 1 Eq. 697; *Scott v. Stanford*, L.R. 3 Eq. 718; *Morris v. Ashbee*, L.R. 7 Eq. 34; *Morris v. Wright*, L.R. 5 Ch. 279.]