

ferred with the authority of the case of *Ferguson's Trustees*. That case exemplifies the general rule, and the present case illustrates the qualification of that rule depending on declared intention. My opinion is that the question ought to be answered in the affirmative.

LORD KINNEAR—I agree with the opinion of Lord Adam.

LORD TRAYNER—I concur in the opinion of your Lordship in the chair.

The Court answered the question in the affirmative.

Counsel for the First and Third Parties—Dundas—C. N. Johnstone. Agents—T. & W. A. M'Laren, W.S.

Counsel for the Second Party—Dickson—Cooper. Agent—John A. Cairns, S.S.C.

Thursday, July 20.

FIRST DIVISION.
LIQUIDATOR OF PROPERTY INVESTMENT COMPANY OF SCOTLAND, LIMITED, PETITIONER.

Company—Liquidation—Reclaiming-Note—Expenses.

The liquidator of the Property Investment Company of Scotland, Limited, presented a note to the Lord Ordinary for sanction of a compromise made by him with the directors of the company, the prayer of which was granted.

Mr Hugh Blaik and others, shareholders of the company, who objected to the compromise, unsuccessfully reclaimed to the Inner House.

Held that on account of certain peculiarities in the case the reclaimers should not be found liable in the expenses of the reclaiming-note.

LORD PRESIDENT—I should be slow to encourage the idea that when the Lord Ordinary, who is the Court in a liquidation, pronounces a judgment it is the right of any of the parties to adjourn the discussion to the Inner House, and there go over the same questions, but there are peculiarities in this case, on account of which I propose that we should give no expenses in the reclaiming-note, and leave the expenses in the Outer House as the Lord Ordinary has done. In giving no expenses I wish, however, to guard against the idea that a discontented shareholder may in the ordinary case take the case to the Inner House without being found liable in expenses if unsuccessful.

LORD ADAM, LORD M'LAREN, and LORD KINNEAR concurred.

Counsel for the Liquidator—H. Johnston—Gloag. Agents—Morton, Smart, & Macdonald, W.S.

Counsel for Blaik and Others—W. Campbell—M'Lennan—Trotter. Agent—W. Ritchie Rodger, S.S.C.

Thursday, July 20.

FIRST DIVISION.

[Lord Low, Ordinary.]

LESLIE v. J. YOUNG & SONS.

Copyright—Time-Tables—Interdict.

In an action by the proprietor of a local time-table to have the proprietors of a rival time-table interdicted from publishing his work as being a breach of the complainer's copyright, the question was whether the respondents, instead of compiling a time-table for themselves from common and public sources of information, took advantage of the complainer's labour, and substantially copied his time-table. After a proof, the Lord Ordinary (Low) affirmed this proposition and granted interdict, but the First Division recalled this interlocutor and refused the prayer of the note.

Observations upon the nature of copyright in a time-table, and the use which may legitimately be made of such a publication by the compilers of a similar work.

Duncan Leslie, wholesale stationer, bookseller, and printer, Perth, the proprietor and publisher of a monthly publication called "Leslie's Time-Tables and Diary," entered at Stationers' Hall, brought an action of suspension and interdict in July 1891 against J. Young & Sons, printers, Perth, praying the Court "to interdict, prohibit, and discharge the respondents from selling or exposing to sale, circulating or distributing a publication printed by the respondents, entitled 'J. Young & Sons,' Perth, 'A B C' Time-Tables,' and containing, *inter alia*, time-tables for the month of July 1891, and further to interdict, prohibit, and discharge the respondents from printing, publishing, selling or exposing to sale, circulating or distributing any time-tables or other publication copied or only colourably different from the publication known as 'Leslie's Time-Tables and Diary.'" Of consent, and upon the respondents undertaking to keep a correct statement and account of the sales of the book complained of, and the profits derived therefrom, the note was passed, but interim interdict was refused.

A record was made up in which the complainer averred that the information in his time-table "was gathered and arranged in systematised form at great expense, and as the result of great labour, skill, and experience. Many of the details are not to be found in the ordinary railway and steamboat guides. These were obtained by the complainer from other sources, and were the result of much labour and expense. Great accuracy has been secured by continual revision from month to month. After many years of care and skill the complainer has obtained for his time-tables a very wide circulation and a high reputation. In consequence of said reputation respondents have deliberately adopted his