there is no relation of confidentiality between them. The case would have been entirely different had these persons been in the employment of the insolvent, or had they obtained the information through having had access to private papers for a limited purpose. That was the case in *Brown's Trustees* v. *Hay*. I do not think that decision has any application here."

The pursuer reclaimed, and argued—No one who was present at the meeting of creditors had any right to communicate what passed for purposes of publication. All record of what passed at the meeting was the private property of the pursuer—*Brown's Trustees* v. *Hay*, July 12, 1898, 25 R. 1112, 35 S.L.R. 877; *Caird* v. *Sime*, June 13, 1887, 14 R. (H.L.) 37, 24 S.L.R. 569.

Counsel for the respondents were not called upon.

LORD JUSTICE-CLERK — I have no difficulty in holding that the Lord Ordinary's judgment is right. All the cases referred to by Mr Guthrie are of a different kind. Where what is published belongs to an individual to whom it would be lost if published, the publication by another is an actionable wrong, because it deprives the owner of his private property. Here there was a meeting of creditors where a composition of 5s. in the £ was offered and accepted. That the fact of that offer and acceptance was the private property of the debtor I cannot hold. Mr Guthrie was unable to draw a distinction between the case of one of the creditors after the meeting telling everyone he met what happened and the publication by the defenders, and how the communication of what happened by a creditor could be held to be an actionable wrong I cannot conceive.

LORD YOUNG and LORD TRAYNER concurred.

LORD MONCREIFF—I am of the same opinion. I do not need to say what I think of the action of the defenders in publishing the information which they received. The only question is whether they committed a legal wrong in so doing. I think they did not. There were seven creditors or representatives of creditors at the meeting, and it is impossible to hold that not one of these could have communicated what happened there to any person outside without laying himself open to an action at the instance of the debtor. In point of principle there is no distinction between such a case and the circumstances in which the pursuer now seeks to recover damages from the defenders, and I therefore think that there is no relevant case.

The Court adhered.

Counsel for the Pursuer and Reclaimer—Guthrie, K.C.—Munro. Agents — Macdonald & Stewart, S.S.C.

Counsel for the Defenders and Respondents — Salvesen, K.C. — T. B. Morison. Agent—George F. Welsh, Solicitor.

Tuesday, May 26.

SECOND DIVISION.

BRENNAN *v.* DUNDEE AND ARBROATH JOINT RAILWAY.

Expenses—Jury Trial—Appeal for Jury Trial — Modification — Small Amount Awarded by Jury.

In this case, which is reported *ante*, p. 383, on the motion for approval of the Auditor's report on the pursuer's account of expenses, which was taxed at £146, 16s. 5d., the Court *modified* the same to the sum of £100.

Wednesday, June 3.

SECOND DIVISION.

[Sheriff Court at Glasgow.

LAFFERTY *v.* WATSON, GOW, & COMPANY, LIMITED.

Expenses—Jury Trial—Appeal for Jury Trial — Modification — Small Amount Awarded by Jury.

In an action of damages for personal injury, brought in the Sheriff Court, the pursuer concluded for £187, 4s. as compensation under the Employers Liability Act 1880. The Sheriff-Substitute having allowed a proof, the pursuer appealed for jury trial. The jury returned a verdict for the pursuer, and assessed the damages at £30. The pursuer having moved for expenses, the Court, on the motion of the defenders (*diss.* Lord Young), *found* the pursuer entitled only to modified expenses, on the ground that the case in itself and as tested by the award of damages ought to have been tried in the Sheriff Court.

Shearer v. *Malcolm*, February 16, 1899, 1 F. 574, 36 S.L.R. 419, and *Brennan* v. *Dundee and Arbroath Joint Railway*, February 20, 1903, 40 S.L.R. 383, *followed*.

Daniel Lafferty junior, labourer, Glasgow, with consent of his father Daniel Lafferty senior, as his curator and administrator-in-law, raised an action in the Sheriff Court at Glasgow against Watson, Gow, & Company, Limited, Etna Foundry, Glasgow, concluding for £300 as damages at common law, or otherwise for £187, 4s. as compensation under the Employers Liability Act 1880. The sums sued for were claimed in respect of injury to the pursuer's left foot, which was burned by some molten metal falling upon it while he was employed in the defenders' works on 20th August 1902.

On 17th December 1902 the Sheriff-Substitute (BOYD) dismissed the action so far as laid at common law, and *quoad ultra* allowed a proof.

The pursuer appealed for jury trial, and an issue in common form under the Employers Liability Act 1880 was adjusted for the trial of the cause.