

Oct. 16

held by the Court of Appeal (Lord Esher, M.R., and Smith and Kay, L.J.J.) that a musical composition, in order to be a dramatic piece within the meaning of that Act, must have the characteristics of a dramatic piece, and whether it has such characteristics is a question of fact which must be determined by the nature of the composition itself. A song that does not require for its representation either dramatic effects or scenery is not a dramatic piece, though intended to be sung in appropriate costume on the stage of music halls. The well-known ditty of "Daisy Bell" was, therefore, determined not to be a dramatic piece within the meaning of the Act. It was also determined that, in order to secure the copyright of a musical composition, it is necessary that every copy published should bear the notice that the right of publication is reserved, as required by the Act of 1882.

PROBATE—ADMINISTRATION WITH WILL ANNEXED—BODILY INCAPACITY OF EXECUTOR.

In *The Goods of Ponsonby*, (1895) P. 287; 11 R. Sept. 49, the executor named in a will being seriously ill, and not in a condition to be served with a citation to accept or refuse probate, Jeune, P.P.D., granted letters of administration, with the will annexed, to the residuary legatee, for the use and benefit of the executor until his recovery.

PROBATE—ADMINISTRATION WITH THE WILL ANNEXED—LEGACY TO ROMAN CATHOLIC CONVENT.

In *The Goods of McAuliffe*, (1895) P. 290; 11 R. Sept. 46, the testatrix in this case had bequeathed her residuary estate, of the value of £456, to one Catherine Headon, "to be disposed of as she shall think fit at her discretion for the benefit of" a certain Roman Catholic convent. The executor named in the will and Catherine Headon had predeceased the testatrix, and the superior of the convent applied for administration with the will annexed, as residuary legatee, and the question was whether it was necessary, first, to apply to the Chancery Division for a scheme for the application of the money. Jeune, P.P.D., held, under the circumstances, that it was not, and he, being satisfied by evidence as to the permanence of the convent in question and the fitness of the superior to apply the money, made the grant to her as residuary legatee.