LITERARY PROPERTY.

We are glad to see that lectures, even when delivered orally, are within the protection of the law, and that persons publishing them for profit without the consent of the lecturer can be restrained by injunction. Mr. Justice Kay, following the law laid down by Lord Eldon in *Abernethy* v. *Hutchinson* (3 L. J. O. S. 209, Ch.) has thus decided in the recent case of *Nicols* v. *Pitman*. The lecture in question was delivered orally at a college by the plaintiff, who before delivery had committed it to writing. The defendant attended and took the lecture down in shorthand, and subsequently published it in shorthand characters. It certainly seems only in accordance with justice that a person who has devoted time and learning to amassing the necessary material for a lecture should be protected from having it published by any person who is capable of writing shorthand. It is to be noticed that in this case the lecture, prior to delivery, had been reduced into writing, and it was therefore contended that the plaintiff had a copyright in it, which he was entitled to have protected. Lord Eldon's decision in *Abernethy* v. *Hutchinson* (*ubi sup.*) however, goes further than this, his Lordship there deciding that a person orally delivering a lecture, even though it has not been committed to writing, is entitled to an injunction to restrain other persons from publishing it. According to Lord Eldon there is an implied contract between the lecturer and his audience that, while they may make the fullest notes for their own personal use, they may not publish them for profit. Even putting aside this implied contract, a lecturer might well argue that he had such a property in his lecture, even though it be not committed to writing, as to entitle him to relief against piracy. A lecture which is not committed to writing differs from a literary composition only in the way in which its subject-matter is conveyed to the knowledge of the public. In the one case it is the voice, in the other printed characters. The language and sentiments, which are the substance of the matter, are in both cases the same. This case was somewhat anomalous from the fact that the publication complained of was in shorthand characters. This was somewhat relied upon by the defendant, but the learned judge, not unnaturally, refused to be influenced by a circumstance, the only practical effect of which is to limit the number of readers of the publication.—*Law Times.*

GENERAL NOTES.

Within the past year, no less that twenty-five railway companies, whose aggregate share capital and debt exceed $550,000,000, have gone into the hands of receivers. An application for the appointment of a receiver for a railway company, is no longer a rare proceeding in our courts; mismanagement may account for this fact in a large degree, but it is no doubt also very largely owing to the rapid multiplication of railroads in sections of the country where they are hardly able to secure the business that warrants the outlay of the capital required to construct and operate them at a profit. The coming question with regard to railway management involves the classification of passenger traffic as already adopted in Europe, which will result in cheaper travelling to the public and regular and larger dividends to railway shareholders.—*Buffalo Transcript.*

It not unnaturally surprises many persons that the coins of the realm may legally be melted down and devoted to less dignified uses; but the practice was undoubtedly legalized by 59 Geo. III. c. 49, s. 11, when melting and exporting were treated together, and both expressly permitted. That statute repealed 9 Edw. III., by which the melting of "sterling half-pennies or farthings" was forbidden; 17 Rich. II., c. 1, in virtue of which "no groat or half-groat" was to be melted; and 13 Charles II., by which the same prohibition was extended generally to current silver. There appears to have been no statute forbidding the melting of gold coin, but this was specially allowed in the Act of 1819; and although the act is repealed it cannot be said to be an offence at common law for a man to put his own gold or silver into the melting pot because it happens to be stamped with an impression of the Sovereign's head. If that consideration were sufficient, it would be a misdemeanour to light one's cigar with a sheet of postage stamps. The illegality of melting coin is as old as the *Lex Cornelia*, which forbad melting as well as debasing and "washing"; but according to modern ideas the subject is allowed to test practically whether the sovereign is worth its weight in gold by turning it into Birmingham jewellery, notwithstanding the disrespect shown to the Queen's image and superscription.—*Law Journal.*

The following case of liability for an ill-disposed cat is noted in the *Law Journal* (London):—"At the Marylebone County Court, on May 19, before Mr. H. J. Stonor, in the case of *Tedder* v. *Macleod*, the learned judge, in giving judgment, said: In this case the plaintiff claims £2 as damages for the destruction of certain chickens of a valuable kind by the defendant's cat, which, it was proved, was of a peculiarly mischievous disposition, and had on previous occasions destroyed some chickens of the plaintiff to the defendant's knowledge. The chickens in question were kept in an inclosure of wire which the plaintiff had raised to the height of seven feet in order to protect them against this very cat. Now in the case of *Read* v. *Edwards*, 34 Law J. Rep. C. P. 31, Mr. Justice Willes was evidently of opinion that damage done by dogs or by cats ought to be regarded in the same light, and he there held that the owner of a dog of a peculiarly mischievous disposition and having a propensity for the destruction of game, to the knowledge of the owner, which had destroyed young pheasants reared under domestic hens in a wood, and therefore with little or no protection, was liable for the same, and it appears to me that the present is a much stronger case against the defendant, and that the plaintiff is clearly entitled to a verdict for the damages claimed. Judgment accordingly.