RECENT U. S. DECISIONS.

Copyright—Exhibited play may not be reproduced from memory.—One who has obtained a copy of a play which has been produced on the stage, but has not been published, from memory alone, is not entitled to exhibit the same, and an injunction will issue to prevent his doing so. Keene v. Kimball, 16 Gray, 345, overruled. The question decided in Keene v. Kimball had never until then been determined in any reported case; it had been discussed in Keene v. Wheatley, 9 Am. Law Reg. 33, where a decision of it had not been necessary to dispose of that case. The case of Keene v. Kimball has not since been reaffirmed here nor elsewhere, nor has it been distinctly denied by the decision of any adjudicated case, except that of French v. Connolly, decided by the Superior Court of New York, which is not the final tribunal in that State. An examination will however show various and conflicting opinions expressed by jurists as well as by text writers of high respectability upon the question involved. Palmer v. DeWitt, 2 Sweeney, 530, and 47 N. Y. 532; Craine v. Aiken, 2 Biss. 215; Shook v. Rankin, 6 id. 477; Boucicault v. Fox, 5 Blatch. 98. The decision in Keene v. Kimball must be sustained, if at all, upon the ground that there is a distinction between the use of a copy of a manuscript play obtained by means of the memory or combined memories of those who may attend the play as spectators, it having been publicly represented for money, and of one obtained by notes, stenography or similar means by persons attending the representation; that in the former case the representation of the play, the copy of which was thus obtained, would be legal, while in the latter it would not be. The theory that the lawful right to represent a play may be acquired through the exercise of the memory, but not through the use of stenography, writing or notes appears entirely unsatisfactory. The author has a right to believe that in purchasing their tickets of admission, persons do so for the pleasure or instruction that the performance of his drama will afford; and that they do not do so in order to invade his privilege of representation which, as it is of value, he must desire to preserve. The special use made by the author for his own advantage of his play by a representation thereof for money is not an abandonment of his property or a complete dedication of it to the public, but is entirely consistent with an exclusive right to control such representation. Roberts v. Myers, 23 Am. Law Reg. 397. The ticket of admission is a license to witness the play, but it cannot be treated as a license to the spectator to represent the drama if he can by memory recollect it, while it is not a license so to do if the copy is obtained by notes or stenography. In whatever mode the copy is obtained, it is the use of it for representation which operates to deprive the author of his rights. *Tompkins* v. *Halleck*. Massachusetts Supreme Judicial Court, May, 1882.

GENERAL NOTES.

THE LATE JUDGE DRUMMOND.—The Hon. L. T. Drummond, an ex-Judge of the Court of Queen's Bench of the Province of Quebec, died on the 24th November, aged 66. The deceased was born in Coleraine, Ireland, on the 26th May, 1813, and came to this country in 1825. He was educated at the Nicolet College, studied law with Mr. Justice Day, was admitted to the Bar in 1836, and was soon afterwards engaged in the defence of the prisoners implicated in the rebellion. In 1844, during the exciting times of the Metcalf *régime*, he presented himself as a candidate for Montreal for election to the Legislative Assembly, and was successful, but owing to the dissolution did not take his seat. Having been defeated in the contest in which Messrs. Molson and DeBleury were elected for the city, he was elected for Portneuf, and in 1847 became member for Shefford, and immediately afterwards, on the formation of the Baldwin-Lafontaine Government, became Solicitor-General, an office which in those days did not include a seat in the Cabinet. On the formation of the Hincks Administration in 1851, he entered the Government as Attorney-General, retaining the position, on the formation of the Coalition Government, under Sir Allan McNabb in 1854. He remained a member of the Government until 1856, having the chief charge, with the late Sir George Cartier, of the bill for the settlement of the Seigniorial Tenure. He left the Government in 1856, going into opposition to his old colleagues. He remained in Parliament, however, representing Lotbiniere from 1858 to 1861, and Rouville, in which county he defeated the late Colonel Campbell, from 1861 to 1863, when he was defeated on the dissolution of Parliament by the late Mr. John Sandfield Macdonald. In 1864 he was elevated to the Bench, as Judge of the Court of Appeals, where he served until 1873, when he was compelled to retire on account of ill-health. His best work was done in a past generation, and his reputation as a lawyer is associated chiefly with the criminal side of the profession.

A new paper in New York called *Justice* has nothing to do with the Courts, but assumes to represent especially anti-monopoly principles. Who are the monopolists referred to may, we suppose, be gathered from the following list which it prints, with the estimate of their wealth:—W. H. Vanderbilt, $260,000,000; Jay Gould, $100,000,000; Leland Stanford, $100,000,000; C. P. Huntington, $100,000,000; Charles Crocker, $60,000,000; Mrs. Hopkins, $50,000,000; Russell Sage, $40,000,000; James Flood, $40,000,000; James G. Fair, $40,000,000; J. G. Mackey, 30,000,000; Cyrus W. Field, $25,000,000; James Keene, 20,000,000; Estate of Tom Scott, $20,000,000; John W. Garrett, $20,000,000; Samuel J. Tilden, $15,000,000. In the morning papers is a cabled extract from the London (Eng.) *Spectator* on American millionnaires, in which it declares that it expects to see a syndicate in New York controlling all the railroads and the telegraphs, and which syndicate, "at the end of a twelve-month, would smile at the Rothschilds as persons who, in the petty business of Europe, were accounted very rich."