

## The Legal News.

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### COPYRIGHT.

An important copyright case, *Dicks v. Yates*, was recently decided by the English Court of Appeals. The plaintiff published a story called "Splendid Misery" in parts in a weekly serial, which was duly registered. The defendant subsequently published a novel under the same title, in parts, which came out in a weekly newspaper. It was proved that in 1801 was published a novel under the same name by J. S. Surr. There was no evidence that the author of the story published in the plaintiff's serial had invented the title "Splendid Misery," or that he had not himself copied it. In a suit for damages, it was held by Jessel, M.R., James and Lush, J.J., reversing the decision of Bacon, V. C., (reported in 43 L.T. Rep. N S. 470), that the plaintiff had no copyright in the title "Splendid Misery;" that the want of evidence as to invention by the author, of the title of the plaintiff's story would itself have been sufficient to disentitle the plaintiff to relief; that there must be something original in a work in order to give the author any copyright in it, and that, inasmuch as the title of the book had been used before, it could not be said that the author of the plaintiff's story had originated its title.

Lord Justice James stated that in his opinion, "there can be no copyright in the title or name of a book." Lord Justice Lush did not dissent from that, and the Master of the Rolls appeared to be of the same opinion.

### POLICE INCITING TO CRIME.

The English *Law Times* notices a recent Scotch case, *Blaikie v. Linton*, 18 Scottish Law Reporter, 583, in which the judges of the Scottish Court of Justiciary had to consider the case of a person who had been entrapped into the commission of an offence. "This case," says our contemporary, "at once recalls to the mind the case of Thomas Titley, whose conviction for an offence, to the commission of which he had been incited by an employee of the police, gave rise to a good deal of observation some

months since, and formed the subject of a number of questions in the House of Commons. Having regard to that case, which was generally considered to reflect but little credit on English justice, the decision of the Scotch judges in reference to the same point, which was then raised, will be regarded with some interest. The charge against Blaikie, the appellant in the case, appears to have been preferred by the respondent on the appeal, who filled the office of Procurator Fiscal of the Edinburgh Police Court, at that court, and to have alleged that the appellant had committed an offence against the laws for the regulation of public-houses by trafficking in excisable liquors, viz., whiskey, and selling that article to a certain woman, named in the charge, without having obtained a certificate in that behalf. The facts proved were to the following effect: The appellant had a shop in Edinburgh, for which he had a dealer's license, authorizing him to sell not less than two gallons, but he had no retail license for these premises, though he did possess a retail license for other premises held by him also in Edinburgh, and at no great distance from the premises in respect of which the charge was preferred. The woman named in the charge as having purchased whiskey from the appellant in a manner not authorized by the terms of his license for the premises in question was a female turnkey in Edinburgh gaol, and was acting in collusion with the Edinburgh police, at whose suggestion she went to Blaikie's shop, and induced him to sell her a pint of whiskey, which was a less amount than was warranted by his dealer's license. The police magistrate convicted and fined Blaikie, and from this decision he appealed, alleging that the conviction was bad. One ground on which he maintained this contention was, that the charge was not properly drawn, but the substantial ground was that the conviction was vitiated by reason of the appellant having been entrapped and solicited by the police into committing a breach of his excise certificate. And he went on to plead that the woman to whom he sold the whiskey was not a *bona fide* purchaser, but was specially employed to entrap him, and that in order to do so she had refused, when requested by him, to go to his other premises, for which he had a retail license, but had induced him to give her the whiskey then and there by representations