following day was delivered of a living child. The question was whether this unborn child could be considered as "issue living" at the death of the testator's wife. Chitty, J., had no difficulty in deciding that question in the affirmative.

WILL—CHARITY—POWER TO APPOINT FOR "SOME CHARITABLE PURPOSE"—ANTI-VIVISECTION SOCIETY.

In the case of *Foveaux, Cross* v. *London Anti-Vivisection Society*, (1895) 2 Ch. 501, it became necessary to determine whether a society for the suppression of vivisection is a "charity" within the legal meaning of the term. The case arose in this way: A lady having power to appoint a fund in favour of charity made an appointment of it in favour of an anti-vivisection society, and the question was whether this was a valid execution of the power. Chitty, J., held that the society was a charity in the technical sense, and upheld the gift. The intention of such societies, he holds, is to benefit the community; but whether, if they achieved their object, the community would, in fact, be benefited was a question on which he did not feel called on to express an opinion.

COPYRIGHT—PHOTOGRAPH—"AUTHOR" OF PHOTOGRAPH—PHOTOGRAPH MADE FOR "GOOD AND VALUABLE CONSIDERATION"—FINE ARTS COPYRIGHT ACT, 1862 (25 & 26 VICT., C. 68), SS. 1, 6.

Melville v. *Mirror of Life Co.*, (1895) 2 Ch. 531, was an action for the infringement of the copyright of a photograph. At the request of the plaintiff a well-known athlete, named Crossland, allowed the plaintiff to take a photograph of him. The plaintiff made no charge, but gave Crossland some copies. No agreement was made as to copyright, but it was understood that the plaintiff was to be at liberty to sell copies. When the photograph was taken the plaintiff's son was present and performed the operation, while the plaintiff looked on and merely directed Crossland how to look. The plaintiff was duly registered as the proprietor of the copyright in the picture. The defendants applied to the plaintiff for a copy, and for permission to publish it, but their request was not granted. They then obtained one of the copies given to Crossland and published a copy of that in their newspaper, and for so doing the action was brought. It was contended that the son of the plaintiff was the "author" of the photograph, and not the plaintiff; but Kekewich, J., held