be ready to admit that many of the symptoms of the insanity were such as might fairly be attributed to alcohol. Suspicion, ideas of conspiracies, and fear of poison and drugging are common in insanity due to drink, to morphia, and to other active agents which affect directly the nervous tissues.

Similar ideas may arise from other causes however. But the point is this, that Mr. Scott was undoubtedly insane when taken to Bethlem Hospital, although he had been drinking. He was then suspicious and dangerous, and the witnesses on his side failed to convince the jury that he had recovered from his insanity at the time of the inquisition.

The attack of insanity was related to alcoholic excess, but in what way?

We do not think it is possible in many cases to say, from the symptoms, whether a person took to drink because he was insane, or whether he became insane from drink. Alcoholism will produce similar symptoms in both cases.

The history of the attack and the change in the habits of the individual must decide which was the first symptom of disorder.

This *cause célèbre* ended by the jury finding an unanimous verdict of insanity and inability, but, in the meantime, Mr. Scott had crossed to the Continent, where he is now living. He is still superintending his works in England, and has written to the leading daily journal a characteristic letter defending his sanity. He says that in France he is sane, as is certified by French doctors; in England he is insane, at what point does the change take place?

We expect to hear that an appeal is to be made for a new trial on the ground of some legal informality; we trust that this will not succeed, as the terrible and ruinous cost of such a proceeding seriously affects the patient's future.

Dramatic Copyright.

A case of considerable importance with regard to the law of dramatic copyright, has recently been decided by the Court of Appeal. Everyone who is concerned in the management of asylums has taken part in, or has authorised performances which, whether dramatic or musical, probably could not have taken place as a public entertainment without infringing copyright; and in the

belief that the subject is of peculiar interest to our readers, we append extracts from the *Daily News* and *Standard*, the one giving a short exposition of the law, and the other showing what absurdities a contrary decision would have involved.

"Daily News," May 13.

Yesterday the Court of Appeal, not without some hesitation, and even division of opinion, decided that private theatricals are, if some rather indefinite limits be observed, no infringement of dramatic copyright in the piece performed. The case, which is one of great public interest, arose in this way. A representation of *Our Boys* was arranged to be given at Guy's Hospital for the amusement of the doctors and nurses in that institution. The play was acted three times by an amateur dramatic club, of which the defendant in this action was a member. Admission was free, and the Governors of the hospital paid all the necessary expenses. Besides the special invitations, the actors received tickets to distribute among their friends, and altogether more than a hundred and fifty spectators were present. On one occasion there was also a reporter. Now, the copyright of *Our Boys* belongs to Mr Duck, and he forthwith sued to recover penalties under the Copyright Act of 1833, which was passed at the instance of one of the most successful playwrights of modern times, the late Lord Lytton. The statute says that "Every author of a play, opera, farce, or other piece, shall have, as his own property, the sole liberty of representing, or causing to be represented, at any place or places of dramatic entertainment any such production," and it goes on to provide for damages, or in the alternative for penalties of forty shillings each. No question better suited for ingenious argument could well be devised. What is a place of dramatic entertainment? Is it any place where, as a matter of fact, a dramatic piece has been performed? If not, the words might just as well have been omitted from the Act, and it is difficult to suggest a reason why Parliament should have put them in. Is it, on the other hand, a theatre? Must it be a public place, or would it include such private theatres as were erected by Charles Dickens long ago, and by Sir Percy Shelley quite recently? What does entertainment mean? Lord Justice Bowen, having recourse, as is natural enough in a case of philological difficulty, to the Authorised Version of the Bible, observed that it could not mean mere amusement, because Abraham "entertained" the angels unawares, when all he did was to give them food. It is notorious that nothing bothers lawyers, especially judges, so much as a definition. They will always avoid defining anything if they can. When fairly driven into a corner they have been known to follow the famous precedent of Bishop Blomfield when asked what an archdeacon was. But to hold that a place of dramatic entertainment is a

place wher e people are dramatically entertained is to make the Legislature in this instance talk nonsense. Lord Justice Bowen indicated one way out of the difficulty by suggesting "a place appropriated for the time to dramatic performances, to which all, or a limited portion of the public, are admitted."

"STANDARD," May 13.

A theatrical representation in a private drawing-room, before an invited audience, is plainly not such a "dramatic entertainment" or such a "representation" as can do any injury to a copyright proprietor; and the inference is natural that the Act does not include such a case at all. The performance at Guy's Hospital differed only in degree, and not in kind, from "private theatricals" of this description. The audience were, it is true, invited by tickets, some of which were issued in blank to those connected with the Institution. But the recipients were, of course, bound to distribute these tickets among their friends; and this fact in itself no more constituted the affair a public one than a ball can be said to be "public" because some of the invited guests have a general commission to bring "dancing men" with them. The test whether money is or is not paid by the spectators is not, of course, the true one. If so, it would follow that a London theatre might be opened gratuitously, for the express purpose of ruining a neighbouring manager or a rival author. We gather from the judgment of the majority of the Court of Appeal that the true question is whether there has been a public performance of a copyright piece. The question of publicity must be always one of fact, and probably the performance at Guy's Hospital went as near the line without transgressing it as was possible. Nevertheless, we think that the opinion of the public will entirely endorse the decision. An amateur company which openly competes with professionals, and invites the public to leave the performances of the latter for theirs, stands on very different footing from that occupied by the defendant in "Duck v. Bates." No reasonable man could think that the value of the copyright in *Our Boys*, which had enjoyed so extraordinary a run at the Vaudeville Theatre, could possibly be injured by its gratuitous performance before an invited audience at Guy's Hospital. Had the decision of the Court of Appeal been the other way, it is not too much to say that organisers of the most ordinary drawing-room theatricals would have had reason to be cautious how their programmes were selected; while no real additional protection whatever would have been afforded to dramatic authors or managers. No one has any sympathy with piracy; but amateur actors like those at Guy's Hospital were no more real pirates than the Pirates of Penzance.