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Book Review

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"... if during the reception of such programs, one using the radio in his business is required to turn the dial of his receiving set so as to render inaudible any copyrighted composition, the utmost difficulty and confusion will result, and a condition ensue that to my mind is unreasonable and one that was never within the intent of Congress in passing the Copyright Act or within the reasonable purview of the terms thereof."

If this last view is the most sensible it is unfortunately not followed in any other case in the United States. Nor is the English view under a similar statute any less compromising, a result which might be expected in view of the English policy of exclusive governmental operation of broadcasting stations. There, in a recent Chancery case, Ch. 121, (1934), it was held that a person who makes a copyrighted musical composition available to the public by receiving and amplifying that composition through the medium of a receiving set, is guilty of a copyright infringement, and it is no excuse that the original broadcast was licensed, because such license only extended to reception for domestic and private entertainment.

Perhaps the most amazing extension of copyright protection is evinced in the English case *Performing Right Society Ltd. v. Camelo*, 3 All. E. R. 557 (1936). The court ruled in that case, that a person owning a radio in a private room adjoining a public restaurant was guilty of an infringement of the Copyright Act, since the connecting door was frequently open for service. The court ruled that reception of a copyrighted number over this set, rendered the owner of the radio guilty of giving a "public performance" in violation of the English Copyright Act.

From a perusal of these cases it can well be seen that the question "Can a hotel or cafeteria owner safely entertain his guests by means of radio?" must be answered in the negative. One might question the wisdom of such a policy, which when followed as it is almost universally in the English and American cases, reaches such an unnecessary and strained result, and contend that the judge in *Buck v. De Baum, supra* that no such a construction can logically be made of the Act.

Jack C. Hynes.

BOOK REVIEW

CASES ON EQUITABLE REMEDIES. By Zechariah Chafee, Jr. Cambridge: Published by the Editor. 1938. Pp. xx, 480.

The material in this book is divided into five chapters dealing with Interpleader, Bills of Peace, Bills Quia Timet for the Cancellation and Surrender of Contracts, Removal of Cloud on Title, and Declaratory Judgments. There is an Analytical Table of Contents, Table of Statutes and Rules of Court, Table of Legal Treatises Quoted, and an appendix including Recent Federal Legislation and Rules of Court. There is no index, as the Analytical Table of Contents is intended to "replace both a Table of Cases and an Index of topics."¹ Professor Chafee says that the omission of an Index is an experiment, but that if there are a sufficient number of protests he will supply an index without any additional charge. It is very doubtful as to whether the use actually made of an index in a case book by students justifies the labor and time entailed in the preparation of it.

This book is designed to "replace the second volume of *Ames' Cases in Equity Jurisdiction*."² Of the ninety-three cases used, thirty-eight were used by Ames.

¹ Preface, vi.

² Preface, v.

The Chapter on Reformation and Rescission for Mistake, contained in Dean Ames' case book, is omitted from Professor Chafee's book in its original edition, but it has been added in a later supplement to this work. This book is the third and last of the Harvard series on Equity, the two earlier series being *Chafee & Simpson Cases on Equity: Jurisdiction and Specific Performance* (two volumes), and *Chafee & Pound's Cases on Equitable Relief Against Torts*.

The material on Declaratory Judgments is desirable. This subject should have a place in every law school curriculum. Professor Chafee has thirty-two pages of material on this important topic, including seven cases, the Uniform Act, state acts and the federal Act.

The problem cases and notes found throughout this book not only give evidence of thoroughness in preparation, but from a pedagogical view are certain to make the task of successfully teaching this technical subject much easier. This is a book that all students and teachers will appreciate.

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