

THE RIGHT OF PRIVACY.

The right of privacy is being discussed in some of the legal journals of the United States in connection with a recent judgment in the Supreme Court of Georgia, *Pavesich v. New England Life Ins. Co.*, 50 S.E. Rep. 68. It appears from the summary of the case given in the *Law Notes* that the agent of the defendant secured a photograph of the plaintiff and published it in a newspaper in an advertisement of the defendant side by side with the representation of a very disreputable and woe-begone individual. Above the effigy of the plaintiff, who seems to have been a well-groomed man with an air of prosperity, appeared the legend "Do it now [*i.e.*, get insured in the New England Life]. The man who did." Above the likeness of the woe-begone gentleman were the words: "Do it while you can. The man who didn't." Below the plaintiff's picture again was this joyous sentence: "In my healthy and productive period of life I bought insurance in the New England Mutual Life Insurance Company of Boston, Mass., and to-day my family is protected and I am drawing an annual dividend on my paid up policies." The woe-begone person by a statement in the like relative position, bitterly regretted his failure to follow the same course. The whole exhibit was unified and emphasized in a single line: "These two pictures tell their own story." The plaintiff failing to see anything humorous in the above brought action. He denied having any insurance in the defendant company, and charged that the publication was false and malicious tending to bring him into ridicule before the world especially with his friends and acquaintances, etc., and claimed that it was a trespass upon his right of privacy.

The Supreme Court of Georgia, upon an appeal from a demurrer decided in the defendants' favor in the Court below, considered that the plaintiff's declaration contained two counts, one for libel, and the other for violating the right of "privacy," and upheld both counts. The judgment gave an elaborate review of the principles of the Roman law as well as of the common law on the subject and declared the right of privacy to be sustained by the fundamental principles of the law.