

## The Legal News.

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The second appointment to the bench of the Superior Court, provided for last session, has been filled by the appointment of Mr. W. W. Lynch, Q.C., formerly solicitor general, which bears date July 5. There will now be ten judges of the Superior Court resident in the district of Montreal.

By order-in-council, of date July 1st, 1889, the Act of the Quebec Legislature, passed last session, "An Act to amend the law respecting district magistrates," has been disallowed by the Dominion Government.

### DISCLOSING THE CONFIDENCES OF THE CAMERA.

The injunction 'register,' which is now the watchword of all desirous of maintaining their legal rights in a large and increasing area of the relations of life, cannot be ignored even in the case of copyright, in spite of the usual practice of publishers not to register till they bring an action, and in spite of the interesting decision of Mr. Justice North in *Pollard v. The Photographic Company*, 58 Law J. Rep. Q.B. 251, reported in the April number of the Law Journal Reports, in which he found another way of help for those who had disregarded it. There is no wonder that the plaintiffs on the occasion in question should fail to suspect that the necessity for registration lurked under their legal right in the simple relation of customers and photographer. The female plaintiff, as Mr. Justice North judicially described the chief actor in the case, may by less responsible persons be allowed the courtesy of the description of the fair plaintiff, and by her friends of the same sex would at least have been admitted to be one of those who 'photograph well.' She visited the shop or studio of one J. Moll, of Rochester, trading under the name of the 'Photographic Company,' and as related by the learned judge, relaxing

a little his sternness of expression, had her photograph taken in various positions. The photographs were sent home and the bill was paid, when, as Christmas approached, the lady and her husband became aware that the lady's photograph was being exhibited in the photographer's window, 'got up,' to use the commercial phrase adopted in the case, as a Christmas card. To have one's face sent freely round on Christmas Eve to announce through a leafy scroll 'A merry Christmas and a happy New Year' to all the inhabitants of Rochester whose friends take a fancy to this particular vehicle for the compliments of the season is not pleasant. A solicitor's clerk was accordingly sent to obtain formal evidence. He became the purchaser of one of the photographs for two shillings, whereupon an action was brought and an injunction applied for.

Mr. Justice North, in giving judgment, propounded for himself, as decisive of the case, the question whether a photographer, who has been employed by a customer to take his or her portrait, is justified in striking off copies of the photograph for his own use, and selling and disposing of them, or publicly exhibiting them by way of advertisement, or otherwise, without the authority of such customer, either express or implied, explaining the reservation as to authority by adding that a photographer is frequently allowed, on his own request, to take a photograph of a person under circumstances in which a subsequent sale by him must have been in the contemplation of the parties, although not actually mentioned. That reservation of the learned judge would apparently include the case of public persons, such as actresses and even statesmen, who are photographed for nothing by enterprising artists. Mr. Justice North proceeds to answer his question with a direct negative, and his proposition read accordingly undoubtedly goes very far. Logically it appears to give everyone a copyright in his own features, and that by the operation of the common law without a statute. Mr. Justice North, as he proceeds to give the grounds of his decision, considerably modifies the previous statement when he lays down his first ground as depending on the principle