

Canada Law Journal.

VOL. XXXIX.

NOVEMBER 15, 1903.

NO. 22.

A statute of the State of New York enacted at its last session makes it a misdemeanor to use the name, portrait, or picture of any living person for advertising without consent, and gives a remedy by action with damages for any infraction of this law. The damages for every known violation of this provision may be made exemplary. The reason for this enactment was, as perhaps our readers will remember, an unsuccessful attempt of a young lady to restrain the use of her portrait for advertising purposes. It is a very proper provision, and one which, as a contemporary remarks, is "a necessary check on the insolence of advertising brigands." A person certainly should have a copyright in his or her own face.

The celebrated but imaginary case of *Jarndyce v. Jarndyce* is almost paralleled by an actual suit which was commenced over twenty-one years ago in the state of New York by a brakeman who sustained severe and lasting injuries whilst in the discharge of his duties. He obtained a verdict of \$4,000 against a railway company. This was, however, set aside as excessive. Two years afterwards he was even more successful, securing a second verdict for \$4,900. This was also set aside. After three years' delay a fourth jury gave him \$4,500. A fifth and sixth trial followed resulting in verdicts of \$4,900, these being also set aside. He appeared last summer before a seventh jury and obtained a verdict of \$4,500. The railway company again appealed; but at last the courts came to the conclusion to mind their own business and to let the verdict stand, but it was a tedious and expensive way of teaching the court the respective functions of judge and jury. The ill-natured might possibly say that railway influence is strong in that country; others might say that there are those who require to learn the lesson that it is well to accept a small settlement rather than fight a rich corporation.

It is rumoured that the Judges of the Supreme Court of Judicature for Ontario have under consideration some proposed amendments of the Rules. One of these we understand is designed to keep the Accountant's office open throughout the Long Vacation, or in other words, to abolish the present restrictions on the issue of