

Progress of the Law.

OBSTRUCTION TO HIGHWAYS FOR BUSINESS PURPOSES.

This title is the subject of an annotated case in the November number of *The American Law Review*. From a review of the cases the author deduces the following principles:

1. The primary purpose of a street or sidewalk is for the passage and travel of the public.
2. Any obstruction of the public highway, to be lawful, must be necessary, temporary, and reasonable. To this rule, there is this qualification: the use of the street is not limited to cases of strict necessity, but it may extend to purposes of convenience or ornament, provided it does not unreasonably interfere with the public rights.

THE RIGHT TO REPRODUCE PHOTOGRAPHS.

This question is constantly becoming of widening interest. One of the most interesting decisions which have been given of late is the opinion of Judge Colt, of the United States Circuit Court in the case of *Corliss v. Walker*. This was an action by the widow of the inventor of the Corliss engine, to restrain defendants from publishing and selling a biographical sketch of Mr. Corliss, and from printing and selling his pictures therewith. Relief was asked for, upon the equitable grounds that the said publication is an injury to the feelings of the plaintiffs and against their express prohibition. The question resolved itself into the broad proposition of how far an individual in his lifetime, or his heirs-at-law after his death, have a right to control the reproduction of his picture or photograph. The Court held, that though private individuals may prevent the use by others of their pictures, yet that public characters who have per-

mitted the use of their portraits cannot prevent the publication either of their portrait or of a sketch of their lives.

The difficulty will always lie in determining the distinction between a public and private character.

In France the question has assumed such proportions as to be the subject of a short treatise just published in Paris. The French Courts have proceeded on stricter lines, and are more inclined to protect the individual in his right to privacy.

COLLUSION IN ACTIONS OF DIVORCE.

The case of *Churchward vs. Churchward*, decided by the Court of Probate, and reported at length in *The Times* of Nov. 23, goes very fully into the question of collusion. The Court held that if the initiation of a suit be procured, and its conduct (especially if abstention from defence be a term) provided for by agreement, that constitutes collusion, although no one can put his fingers on any fact falsely dealt with or withheld. In the present case, the initiation of the suit was procured, and its results as to costs and damages settled by agreement: hence there was collusion.

RESTRAINT OF TRADE.

The Texas Court of Civil Appeals has carved out an interesting exception to the general rule in regard to contracts in restraint of trade, by ruling, in *Anheuser-Busch Brewing Assn. vs. Houch*, 27 S. W. Rep. 692, that a combination of persons and firms in a city for the control of the sale of beer and the cessation of competition *inter se*, is *not* void at common law as against public policy, although in restraint of trade, since beer is not an article of prime necessity, and its sale is closely restricted by public policy.