tion of the law of protection being due for the products of a man's own skill or mental labor; whereas in the present case the person photographed has done nothing to merit such protection, which is meant to prevent legal wrongs, and not mere sentimental grievances. But a person whose photograph is taken by a photographer is not thus deserted by the law, for the Act of 25 and 26 Victoria, chapter 68, section 1, provides that when the negative of any photograph is made or executed for or on behalf of another person for a good or valuable consideration, the person making or executing the same shall not retain the copyright thereof, unless it is expressly reserved to him by agreement in writing signed by the person for or on whose behalf the same is so made or executed. The result is, that in the present case the copyright in the photograph is in one of the plaintiffs. It is true, no doubt, that section 4 of the same Act provides that no proprietor of copyrights shall be entitled to the benefit of the Act until registration, and no action shall be sustained in respect of anything done before registration; and it was, I presume, because the photograph of the female plaintiff has not been registered that this Act was not referred to by counsel in the course of argument. But although the protection against the world in general conferred by this Act cannot be enforced until after registration, this does not deprive the plaintiffs of their common-law right of action against the defendant for his breach of contract and breach of faith. This is quite clear from the cases of *Morison* v. *Moat*, 9 Hare, 241, and *Tuck* v. *Priester*, already referred to, in which latter case the same Act of Parliament was in question. But the counsel for the defendant did not hesitate to contend boldly that no injunction could be granted in a case where there could be no injury to property in respect of which damages could be recovered in an action at law; and he alleged that this is such a case, and relied on such decisions as *Southey* v. *Sherwood*, 2 Mer. 435, and *Clark* v. *Freeman*, 11 Beav. 112. I have already pointed out why, in my opinion, this is not such a case; but even if it were, the alleged consequences would not follow. Suppose that the present photograph actually was, or by manipulation of the negatives, or by the addition of the rest of the figure, or by the addition of a background, was made a libel on the plaintiffs, by exposing them, for instance, to contempt or ridicule, it is quite clear that in such a case a court of law could give damages and could also, even since the passage of the Common Law Procedure Act of 1854, grant an injunction, and ever since the passing of the Judicature Acts each branch of the High Court has the same power. See *Quartz Hill Consolidated Mining Co.* v. *Beall*, 46 L.T. Rep. (N.S.) 746; 20 Ch. Div. 501. The right to grant an injunction does not even depend in any way on the existence of property as alleged; nor is it worth while to consider carefully the grounds upon which the old Court of Chancery used to interfere by way of injunction. But it is quite clear that, independently of any question as to the right at law, the Court of Chancery always had an original and independent jurisdiction to prevent what that court considered and treated as a wrong, whether arising from a violation of an unquestionable right, or from breach of contract or confidences, as was pointed out by Lord Cottenham in *Prince Albert* v. *Strange*, 1 M. & G. 25. For these reasons the defendant is wholly in the wrong, and as he denies the jurisdiction of the court, the injunction must go as a matter of course, and as the parties have agreed that this motion is to be treated as the trial of the action this injunction will be perpetual, and the defendant must pay the costs of the action.

COURT OF APPEAL, ONTARIO.

TORONTO, Jan. 10, 1888.

TODD v. DUN, WIMAN & Co.

Libel—Privileged communication—Mercantile Agencies.

In an action against a mercantile agency company the alleged libel consisted of the publication, among the general body of the defendant's subscribers, of a notice or circular containing the words, after the plaintiff's name, "If interested, inquire at office." The defendants pleaded that the notice also contained words explanatory of the alleged libel, which should be read in connection there-