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Notes on Exchanges and Legal Scrap Book.

RESTRAINT OF TRADE.—A somewhat interesting case in relation to restraint of trade was decided by the New York Supreme Court in *Thomas v. Musical Protective Union*, 49 Hun. 171. The defendant corporation was organized for the cultivation of music and the furtherance of the interests of the musical profession, as well as for the pecuniary relief of its members. It enacted by-laws providing that no member should perform in any orchestra or band in which any performer was employed who was not a member of the union, and no person was eligible for membership unless he had been a resident of the United States for at least six months. The court below gave judgment restraining the union from enforcing its by-laws against the plaintiff to recover penalties for employing non-union musicians in his orchestra. The defendant company was incorporated for the cultivation of music, friendly intercourse and the relief of its members, and the plaintiff had been a member since 1876, but had been absent from New York several years, during which absence the by-law regarding six months' residence was passed. He employed a foreigner to perform in his orchestra, whereupon the union imposed fines upon him. The Supreme Court affirmed the judgment of the court below, and held that the by-laws were illegal and void, being in restraint of trade.

NEGLIGENCE.—In *Fitzpatrick v. Garrisons and West Point Ferry Co.*, 49 Hun. 288, it was held that where a ferry company carries on a business which naturally draws together numbers of people in a place which is open to the public, with instruments which are so defective as to be eminently dangerous to human life, it is guilty of a breach of duty to the public for injuries resulting therefrom, although the party injured may not have come upon the place on any business connected with the ferry company. The plaintiffs and other boys had gathered on the dock where the ferry-boat landed, and got upon a bridge and by their weight brought it down on the boat with some force, the result of which was that a bolt, which had fastened to it a chain running over a pulley with a weight at the other end, pulled out of one corner of the bridge, and the weight on that side fell, striking the plaintiff. The place at which the accident happened was Cranston's dock, at Highland Falls, which was private property, which did