

and stimulant for all local and run-down conditions. The plaintiff was not a nurse, and had never used the whisky, or given it to others. The United States Circuit Court directed a verdict for the defendant, and this was sustained by the Circuit Court of Appeals on the ground that the publication was not a libel, or, at the most, could entitle the plaintiff to nominal damages only, there being no allegation of special damages. This conclusion was based on the theory that there is no general consensus of opinion that drinking whisky is wrong, or that to be a nurse is discreditable; but the decision of the Supreme Court declares that, "if the advertisement obviously would hurt the plaintiff in the estimation of an important and respectable part of the community, liability is not a question of a majority vote." The court proceeds as follows: "We know of no decision in which this matter is discussed upon principle; but obviously an unprivileged falsehood need not entail universal hatred to constitute a cause of action. No falsehood is thought about or even known by all the world. No conduct is hated by all. That it will be known by a large number, and will lead an appreciable fraction of that number to regard plaintiff with contempt, is enough to do her practical harm."

It is gratifying to see the sound principles of the subject stated so clearly by the court of last resort. The fundamental principles of the law of libel have long been settled, but, in some cases, the courts apparently lose sight of them, and get confused or befogged in the consideration of some of the incidents or details of the subject. In this case the brief and simple statement of the matter by Mr. Justice Holmes is unanswerable.

Libel by the unauthorized publication of portraits has brought out some peculiar reasoning from some of the judges who have denied the actionability of such publications. Some of them have been quite philosophical in contemplating the wrong done by such a publication, on the ground that it did no serious harm; but a similar publication of the portrait of the wife or daughter of any of these judges to advertise whisky or many another kind of article would have an illuminating effect on his mind with respect