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ABODE OF THE NEW BRITISH AMBASSADOR

PHOTOGRAPHS FROM ARCHITECT'S PLANS.

Sir Michael Herbert, the new British ambassador, will be in Washington the end of September to present his credentials. He will then return to England until early winter. When he and his family take possession of the embassy building they will find an entirely changed establishment. Builders and decorators are now hard at work remodeling the palatial structure. It is now the most commodious embassy at the capital and when completed will be the most elegant. Lady Herbert, who is very popular in Washington, expects to entertain lavishly.

The Law of Privacy

By Elbridge L. Adams.

Has one the right to pass through this world if he wills, without having his picture published, his business enterprises discussed, his successful experiments written up for the benefit of others, or his eccentricities commented upon either in handbills, circulars, catalogues, periodicals or newspapers? This was the interesting question which recently came before the New York court of Appeals.

The case was this: A lithographic company had printed, and a milling company had circulated as an advertisement of its flour, some prints upon which appeared the likeness of a young woman, above which were the words: "Flour of the Family," and below the name an address of the milling company. A young woman claiming to be the original of the portrait brought suit against both the maker and user of the advertising matter, claiming that she had been greatly humiliated by the scoffs and jeers of persons who had recognized her face and picture on the advertisement, and that she has been made sick and had been put to the expense of employing a physician, by reason of which she had suffered damage. She prayed to be compensated in damages and for an injunction restraining the further circulation of the picture.

Her complaint contained none of the usual averments of an action for libel, namely, a malicious or false publication, and defamation of character or reputation; nor did it allege that the picture had been obtained through a breach of contract. The relief sought was grounded solely upon the proposition that the circulation of the advertisement, without the complainant's consent, constituted an invasion of her right of privacy.

In reaching the conclusion that her complaint stated no cause of action known to the law, the court observed: "While most persons would much prefer to have a good likeness of themselves published in a responsible periodical or leading newspaper rather than upon an advertising card or sheet, the doctrines which the courts are asked to create for this case would apply as well to the one publication as to the other; for the principle which a court

of equity is asked to assert in support of a recovery in this action is, that the right of privacy exists and is enforceable in equity, and that the publication of that which purports to be the portrait of another person, even if obtained upon the street by an impertinent individual with a camera, will be restrained in equity on the ground that an individual has a right to prevent his features from becoming known to those outside of his circle of friends and acquaintances. If such a principle be incorporated into the body of the law through the instrumentality of a court of equity, the attempt log-

ically to apply the principle will necessarily result not only in a vast amount of litigation, but in litigation bordering upon the absurd; for the right of privacy, once established as a legal doctrine, can not be confined to the restraint of the publication of a likeness, but must necessarily embrace as well the publication of a word-picture, a comment upon one's looks, conduct, domestic relations or habits. And were the right of privacy once legally asserted, it would be necessarily held to include the same things if spoken instead of printed, for one, as well as the other, invades the right to be absolutely let alone. An insult would certainly be in violation of such a right, and with many persons would more seriously wound the feelings than would the publication of their picture. And so we might add to the list of things that are spoken and done day by day which seriously offend the sensibilities of good people to which the principle which the plaintiff seeks to have imbedded in the doctrine of the law would seem to apply."

The attempt which was made three or four years ago in the New York legislature to pass what was known as the "anti-cartoon bill" failed, because the newspaper pointed out the numerous flaws in it. It was shown, for instance, that, while the bill would prevent a New York periodical from caricaturing a citizen of that state, it could not prevent Boston and Chicago papers from lampooning him as much as they chose.

The state of California, however, which is quite as progressive in the science of law-making as any state in the union, has succeeded in getting upon its statute books a law which is designated to prevent the unauthorized publication both of portraits and caricatures.

TO REPRESENT A KING

On account of being unable to absent himself for so long a period, King Edward will not be able to attend the coronation ceremony that will shortly take place in India. In his stead will go the Duke of Connaught. The Duchess will represent Queen Alexandra at the ceremony.

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