

COURT CUTS DOWN VERDICT FOR BINNS

**\$2,500, and Not \$12,500, Fixed
as Damages for Putting Him
in Moving Pictures.**

TOO MUCH PUBLICITY, HE SAID

**Justice Greenbaum Thinks the Jury
Was Influenced by Reports of His
Famous Wireless Exploit.**

Supreme Court Justice Greenbaum yesterday reduced to \$2,500 the \$12,500 verdict obtained by John R. Binns against the Vitagraph Company of America for unauthorized use of his name and picture in connection with a picture drama, "Saved by Wireless." In the course of his opinion Justice Greenbaum condemned newspaper editorials, which criticised the verdict as inadequate, and hinted that imagination played as large a part in the newspaper reports of the Floride-Republic disaster as it did in the purported pictorial representation of Binns's exploit.

Binns sued under the New York statute which was passed to protect private citizens in their right of privacy, and said on the stand that he was much humiliated by the picture drama being circulated after he had refused to cheapen his laurels by using them to make money on the stage. He had previously obtained an injunction which stopped the moving picture agents from exhibiting the offensive views.

Justice Greenbaum held that Binns could only collect damages for mental suffering, and exemplary damages under the discretion of the jury reasonably exercised. He said that Binns had not been averse to the newspaper publicity given to his heroic exploit, and held that the moving pictures were only another form of such publicity.

"To my mind," he said, "the jury, despite the instructions of the court as to the peculiar rule of damages applicable to an action of this kind, was swayed by passion or prejudice, or perhaps by the quite natural admiration one has for the heroic act of the plaintiff. That the jury was led away by passion of feeling is reflected by the argument of the learned counsel for the plaintiff, (Jeremiah J. O'Leary,) who has adopted the extraordinary expedient of quoting in his brief from editorials in the public press commending the amount of the verdict in this case and deploring its insufficiency and supporting its conclusions upon glaring misconceptions of the facts and the law applicable to the case.

"It would be a sorry day if the administration of justice were relegated to the newspaper columns, and it is to be deplored that counsel saw fit to attempt to influence the judgment of the court by means of newspaper citations.

"The plaintiff was not seriously hurt, and, while the jury was warranted in awarding exemplary damages as a warning to others that the rights of privacy of the individual must be respected, such an award must be governed by reasonable discretion. But in its final analysis the defendant merely attempted to portray in its own peculiar way through its medium of pictures news and information of the facts connected with the rescue of the steamship Republic, and in doing so the imagination of those who prepared the pictures of the various scenes was indulged in, as was doubtless done by the writers of the same incidents in the public press.

In conclusion Justice Greenbaum states that unless Binns agrees to take \$2,500 in lieu of the full jury award of \$12,500 he will set the verdict aside.

PICKS UP PASSENGER AT SEA.

**Englishwoman Has Novel Experience
of Transshipping Outside the Hook.**

Miss Edith Grinstead, a young Englishwoman, was transferred at sea yesterday morning from the incoming Mallory liner Denver to the outward bound Cunard liner Campania. The feat of exchanging passengers at sea is unusual, and as the Campania is a mail-carrier not given to lingering along the course to pick up a stray fare, the transfer was made possible only by the exchange visits of the pilot boat.

Miss Grinstead has been visiting an uncle at Galveston. A cable was received by her from her father, a resident of Eastbourne, England, several days ago summoning her home. She sailed from Galveston on the Denver, calculating that she had time after the arrival of the Denver to catch the outward bound Cunard liner. In the meantime her father had booked her from the Liverpool office and the agents of the line here notified her that her ticket was paid for on the Campania.

The Denver was delayed in arriving here, and it was not until nearly 10 o'clock yesterday morning that she neared the Scotland Lightship. At that hour the Campania was pulling out from her North River pier. Miss Grinstead appealed to Capt. Ward of the Denver. He had her baggage brought up on deck, and with the visit of the pilot boat to put on board a pilot Miss Grinstead and her baggage were transferred to this. Then the skipper of the Denver notified Capt. Warr of the Campania by wireless to prepare to take on a passenger when he slowed down to drop his pilot.

A few minutes after sending the message the Denver and the Campania passed in the channel. Capt. Warr sent a wireless message agreeing to pick up the passenger. Half an hour later the Campania was slowed down and the pilot climbed down the rope ladder. In the small boat bobbing alongside was the Englishwoman and her baggage. The young woman fearlessly climbed the frail-looking ladder and her baggage was hoisted on board after her.

FIND BROKER DEAD IN BED.

**Percy Winslow Sherman Passes Away
Suddenly at the Preston Hotel.**

Percy Winslow Sherman, who was employed in the office of W. D. Moore & Co., brokers at 74 Broadway, and was said there to be a nephew of Vice President Sherman, was found dead yesterday in his room at the Preston Hotel, Twenty-sixth Street and Fourth-Avenue.

When he left the office on Tuesday afternoon, Mr. Sherman complained of not feeling well. A bell-boy served his breakfast in his room yesterday morning at 9 o'clock, and in the afternoon he was found dead in bed. His death is supposed to have been the result of natural causes.

Mr. Sherman was about 40 years old and was at one time a partner in the brokerage house of McKinley & Sherman, 52 Broadway. Then he became a partner in the firm of Judson & Judson, which failed recently, and lately had been with W. D. Moore & Co. He was a widower and left two daughters, one of whom is in a Catholic school at Summit, N. J., and the other is at a school in Virginia. Mrs. Sherman was a sister of Paul Kiernan, a lawyer at 141 Broadway.