

LAW.

COURT OF CHANCERY.

Wednesday, June 23.
QUACK MEDICINES.

CANNHAM AND ANOTHER V. JONES AND ANOTHER.

This case came before his Honour the Vice-Chancellor this day, upon the argument of Demurrer filed by the Defendants to the Plaintiff's bill of complaint, which prayed for an account and an injunction to restrain the Defendants from further making or selling a spurious kind of Medicine, called "Venus's Vegetable Syrup," under the same name and title with the genuine kind, which the Plaintiff claims as their exclusive right and property, as representatives and devisees of Mr. Isaac Swainson, deceased, who had, above thirty years ago, purchased the receipt from a Physician, the original inventor, for a sum of six thousand pounds. The Plaintiff's wife is the niece of Mr. Swainson, the purchaser, who bequeathed it to her and her husband, the other Plaintiff.

Mr. HARR and Mr. COOPER, in support of the Plaintiff's Bill, argued against the demurrer at great length, and assumed the case to that of newspaper proprietorship, which exclusively survives to the successive representatives of the original proprietor.

Mr. LEACH and Mr. SHAWWELL, for the Demurrer, contended that this case was not within any of the principles of the doctrine of injunctions, or accounts granted in this Court, and that the Plaintiffs had made out no case, since they were not patentees, or even if they were, the term of thirty years had far exceeded that of fourteen, usually limited in patents.

His Honour gave an elaborate judgment, to the effect that a perpetual monopoly would be the consequence of the doctrine contended for by the Plaintiffs, who had charged by their bill, not that their genuine medicine was sold by the Defendant's assuming their name, but some spurious compound in their own names, and that the Plaintiffs proved no property in, nor injury by, the sale.—Judgment for the Defendants.

COURT OF KING'S BENCH, JUNE 21.

VISCOUNT AND VISCOUNTESS PERCEVAL V. PHIPPS.

Mr. HOLT.—My Lords, having considerably curtailed the affidavits, in the case in which Lord and Lady Perceval are Plaintiffs, and confined their allegations to the specific charge of libel, I am again to move your Lordships for a ride to shew cause why a criminal information should not be filed against Thomas Adderley Phipps, proprietor of *The News*, Sunday Newspaper, for publishing, in his paper, of the 4th of April, a libel on Lady Perceval, charging her with fabricating and forging certain letters, one of which purported to come from Lord Liverpool, Eldon, and Castlereagh. In answer to this assertion, both Lord and Lady Perceval swear, that they never received the letters alluded to—and that they verily believe such letters to be forged and fabricated. In Mr. Phipps's paper, of the 6th of June, it is stated, that he (Mr. Phipps) received the letters in question from Mr. John Milford, to whom they were given by Lady Perceval, who expressed her desire that they should be published in *The News*, and that a copy of the paper in which they appeared should be sent to her. In answer to this allegation her Ladyship swears, that she never gave any such letters to Mr. John Milford, as those so stated to have been delivered to him, with a request to get them published; nor had she ever seen them, until they appeared in the newspaper.

Lord ELLENBOROUGH.—To speak briefly, she falsifies these charges, and swears, that she believes the letters, a knowledge of which is attributed to her, to be forged and fabricated?

Mr. HOLT.—Yes, my Lord. If your Lordship pleases, I will read the libel, and the distinct answer to it.

Lord ELLENBOROUGH.—There is no occasion to trouble the Court with the whole of the letter now.—It purports to have been written by the persons whose signatures are annexed to it, and it concerns matters of State?

Mr. HOLT.—It does, my Lord.

Lord ELLENBOROUGH.—That is sufficient. Take your rule.

Tuesday, June 22.
JEWSON V. DIXON.

This was an action of trover to recover the value of a watch, taken by the Collector of the Assessed Taxes, as a distress for the amount of 16s. 6d. due for the tax on windows. It appeared that the watch did not belong to the person in whose house it was, and who owed the tax. The only question for the consideration of the Court was, whether, under the statute 43d Gen. III., goods not the property of the person in arrears, but being on his premises, were liable to be distrained for an arrear due from him. The Court were unanimously of opinion, that, under that Act, the goods of other persons were liable.

COURT OF COMMON PLEAS.

Thursday, June 24.

LIBEL.—WATERS V. TAYLOR.

The libel for which this action was brought, was contained in two letters addressed to Mr. Harrison, the Treasurer, by Mr. Taylor, of the Opera-house. In these letters among other subjects, Mr. Taylor adverted to the Chancery litigation between Mr. Waters and himself, and desired Mr. Harrison to apply to Mr. Waters to pay to the Opera House banker, for the benefit of Mr. Taylor, the sum of upwards of 2,000l. which he (Taylor) alleged to have been by him advanced to Mr. Condie, his Solicitor, on account of the proceedings in Chancery. In these letters Mr. Taylor accused Mr. Waters of being concerned with the Honourable George Villiers, (the defaulter in the office of Paymaster of Marines,) in defrauding the pub-

lic. In case Mr. Waters refused, he spoke of suing out a writ of "*Ad eaval regno*" against him, as he was apprehensive of his embarking for America, lest John Bull's lawyers should bring him to account for his delinquencies. In these letters he also desired that admission should be refused to Mr. Waters's orders, as he (Mr. Waters) would give admission to a Mr. Lequino (or some such name), the poison and curse of the concern, who would willingly set fire to the house, to which, in Mr. Taylor's opinion, Mr. Waters would have no objection. The address of another letter sent by Mr. Taylor to Mr. Waters, was also giving in, to strew the squit in which Mr. Taylor had proceeded in these matters. The address was to this effect—"To Mr. Waters, Deputy-Paymaster of Marines under the Honourable George Villiers, the Public defaulter, &c. &c." This was sent by the twopenny post, but the Judge (Mansfield) thought that nothing turned upon it.

Mr. Harrison, the treasurer, was called as a witness, and proved the receipt of the letters from Mr. Taylor and his sending copies to Mr. Waters. Mr. Taylor afterwards applied to have the originals returned, and he had returned them, by the interposition of Lord Mountnorris and Colonel O'Kelly.

Some difficulty occurred in proving the notice to Mr. Taylor to produce the originals so as to entitle the plaintiff to give the copies in evidence. The person who was sent to give the notice left it at a miniature shop, 37, Ludgate-hill, where he was informed Mr. Taylor lodged, this place being within the rules of the Fleet. He did not, however, see Mr. Taylor, nor did he know of his own knowledge that he lodged there. Upon a suggestion that Mr. R. Hill, the attorney, who was observed in the gallery, might probably satisfy the Court on this point, that Gentleman was called, and proved that Mr. Taylor did lodge at the place mentioned; upon which the copies were read.

The defence was, that the letters in question had been written in a moment of irritation, and ought to have been disregarded.

The Judge said, that the letters certainly contained libellous matter; but they appeared to have been written under the influence of irritated feeling, and did not seem to have done any injury to Mr. Waters. They could not expect that Mr. Taylor should, in his situation, be able to pay large damages.

Verdict for the plaintiff.—Damages 100l.

FALSE RETURN.—READ V. BLADES.

This was an action against the Sheriff of Middlesex, for a false return, under an execution against Mr. Taylor, of the Opera-house, the defendant in the preceding action.

Mr. Read some time ago obtained a Judgment for upwards of 1000l. against Mr. Taylor, in an action, (if we recollect rightly) for a malicious prosecution. An execution on this Judgment was lodged in the Opera-house. The Sheriff sold to the amount of about 250l. and as to the rest, returned *nulla bona*, under an indemnity of a Mr. Sandels, of Oxford-street, who was, therefore, the real defendant in the present action; which was for the amount of the difference between the 250l. levied, and the sum mentioned in the Judgment.

Several witnesses,—tailors, mantua-makers, and others connected with the Opera House—were called to prove, that there was a great deal of property on the premises belonging to Mr. Taylor, which the Sheriff might have seized; such as a great quantity of old music, a piano-forte, a book-case, lamps, dresses, &c.; the dresses, however, were described as of very little value, except Madame Catalani's and two others in the three *Sultanas*. None but Madame Didelot found their own dresses. In the ballet the characters were chiefly peasants and fairies, who were dressed at little expense. The dresses were besides soon destroyed, as they were every night of performance covered half way with dirt from grease falling upon them, and from the chalk and dust rising from the floor.

The defence was, that Mr. Sandels had purchased these Opera-house articles when sold under an execution in 1803, and let them to hire to the Opera-house people; and that, therefore, they belonged to him, and not to Mr. Taylor. It was also alledged, that whatever did not belong to Mr. Sandels, was the property, not of Mr. Taylor individually, but of the Trustees of the Opera-house, Messrs. Const and Lowten. It was also stated, that the share of Mr. Taylor was only 9-16ths of the concern.

The Judge, however, was of opinion, that the defence was not sufficiently made out; and the Jury found for the plaintiff to the whole amount of the difference between the sum levied, and that mentioned in the judgment, being nearly 800l.

Mr. Serjeant BEST led the cause for the plaintiffs, and Mr. Serjeant SHEPHERD for the defendants, in both actions.

MIDDLE TEMPLE, JUNE 23.

THE NEW JUDGE.

HENRY DAMPIER, Esq. who has been appointed to succeed Sir NASH GROSE, Knt. as one of the Judges of the Court of King's Bench, attended on Wednesday morning at the Temple Hall, where he was received by the Benchers of the Society; and having produced the King's writ, calling him to the degree of Serjeant at Law, preliminary to his being raised to the rank of a Judge, HUGH LEYCESTER, Esq. officiating as treasurer, in the absence of RICHARD HOLLIST, Esq. addressed him in a complimentary speech, distinguished for its appropriate applications, its eloquence, and its impressive effect; and Mr. Dampier returned his acknowledgments to him, and to the Benchers, among whom were Mr. Jervis, Mr. Alexander, and several other persons distinguished for their learning and talents.

The usual ceremonies of introducing a Serjeant being finished, an elegant breakfast was given to the Gentlemen of the Bar, and to the Students of the So-

ciety who attended; and it was remarked, that a greater assemblage was present on the occasion than has been known on a like event for a great number of years.

In the course of the day Mr. Dampier presented himself at the Courts of Chancery and Common Pleas, in Westminster Hall, where, being introduced by two Serjeants at Law, he was raised to the degree of the Coif, performing the ceremonies, and taking the oaths accordingly. On Friday he took his seat.

On Wednesday about four o'clock, the Princess of Wales, attended by Lady Glenbervie, her Mistress of the Robes, left Kensington-palace in her carriage and pair. Her Royal Highness proceeded through Knights-bridge, and just as the carriage got to Hyde-park-corner, the Princess Charlotte passed in her carriage, and proceeded along Rotten row, to take an airing. Neither of the carriages stopped, but each passed on. On the arrival of the Princess at York House, a carpet was laid on the steps and entrance to the house, for her Royal Highness. The Duchess of York, attended by Lady Anne Culling Smith, the Lady of the Bedchamber, her pages, and livery servants, in half-dress, conducted the Princess to her drawing room. In a short time after, the Duchess of York sent a letter to the Princess Charlotte, which her Royal Highness found on her return to Warwick house, from taking her airing, a little before five o'clock. The Princess Charlotte returned a written answer to the letter. The Royal Personages saluted each other at parting; and about six o'clock the Princess of Wales returned to Kensington-palace to dinner.

The Report of the Committee of the Commons on the Acts relating to Copyright of Books, has been printed. It recommends, that the substance of the existing laws should be retained, and in particular that continuing the delivery of all new works, and in certain cases of subsequent editions to the Libraries now entitled to receive them; but that some of the existing provisions should be modified as to the paper, which may be reduced from the largest size, and best sort, to that used in the greater part of the edition; substituting a delivery on notice, instead of a distribution in the first instance; and giving an alternative with respect to subsequent editions in certain cases. These rules not to extend to the British Museum, which ought to be furnished with every publication that issues from the press, in its most splendid form. The obligations to be enforced by suitable penalties, and perhaps, in some cases, by adding the forfeiture of copyright. With regard to the statute of Queen Anne, the Report suggests whether all retrospective effect should not be taken away, and concludes with stating, that "the Committee have taken into their consideration the subject of Copyright, which extends at present to 14 years certain, and then to a second period of equal duration, provided the author happens to survive the first. They are inclined to think, that no adequate reason can be given for this contingent reversion, and that a fixed term should be assigned beyond the existing period of 14 years."

On Monday a young man, a groom, in the employ of General Paget, who had lodged for some time back at the Running Footman Public-house, in Charles-street, Berkeley square, had about six weeks ago secretly married the daughter of the publican; the parents, who had only just discovered the case, caused their daughter to be removed on Sunday, which had such an effect upon the young man, that he instantly procured a large portion of opium, which he took, no individual being acquainted with the circumstance until such time as he became dreadfully convulsed, in which state he lay for some time on the tap-room table; medical assistance was after a long lapse of time procured, when he was removed to Mount-street Infirmary, with no hopes of recovery.

The breeding season, both for partridges and pheasants, is stated to have been the finest throughout Norfolk that has been known for many years.

Several pipes of Madeira wine were picked up the week before last between Mounts Bay and the Lands End, whence it is feared some vessel has been lately lost there.

It is said, that Regulation have been recently adopted for the negotiation of all Government Bills on Foreign Stations, by the principal Officer of the Commissariat on the spot. This plan will tend to prevent a competition in the money market, between the Representatives of different Departments of Government, and check the high rate of Exchange consequent upon so unnatural a struggle. The Chief Officer of the Commissariat is to receive monthly estimates from the Head of each Department, with a specification of his probable weekly wants in each month. The money agents will then be kept as much as possible in the dark as to the general wants of the public service.

Sir C. Bonbary's black cat Smolensko, is matched for 500 guineas, to run Lord Foley's Benedict, the two middle miles in the New market October meeting—Smolensko to receive 9 b. Betting at Tattersal's for the St. Leger, last week, 6 to 1 against Altisidera—9 to 1 against Lord Strathmore; and 12 to 1 against any other. Poulton is first favourite for the Oxford-Cup.

A pugilistic amateur club, of 70 members, at an annual five guineas each, has been formed to reward pugilists, defray subscription purses, &c. Amongst these milling patrons, are many distinguished characters.

Moliveau, the Black, is bringing forward a 12 stone countryman, to fight Oliver, the garden-r

A match is also out hand between Dutch Sam and exton, a 10 stone man, of the Bristol S. hall

Waber's match to do 100 miles in 18 hours is not yet made.