

but suggested, the use of chloride of gold as an accelerator many months before the date of my experiments. As a general result of my researches in this direction, I am inclined to endorse the opinion heretofore expressed, that at the present moment we must use, even if we are not to rest satisfied with colloids of ordinary sensibility, and that we have not as yet discovered any "accelerator" of unexceptional utility. We may, however, perfect the manufacture of such colloids by a critical study of those minutiae to which I have endeavoured to direct attention in the present paper.

PHOTOGRAPHIC PIRACY.

A CASE of some interest to photographers was tried before the Lord Chief Baron and a special jury, in the Court of Exchequer on Tuesday, the 18th inst. The case as reported in the *Times* stands as follows:—

MAYALL v. HIGBY.

Mr. Vaughan Williams and Mr. Blaine were counsel for the plaintiff; Mr. M. Smith, Q.C., and Mr. Aspland for the defendant.

This was an action by Mr. Mayall, the well-known photographer of Regent Street, to recover the original photographic portraits of several distinguished persons, and also damages for the alleged illegal use which the defendant had made of them in copying and selling diminished impressions in the form of *cartes de visite*.

Mr. Mayall was called, and gave the following evidence:— In 1857 Mr. Tallis, the publisher of the *Illustrated News of the World*, called upon me and asked me to lend him a number of my portraits of eminent men, for the purpose of engraving and publishing weekly in his paper. I agreed to lend them on condition only that he would return them as soon as engraved. It was subsequently arranged that I was to have an advertisement inserted in his paper gratis. I handed over to him, from time to time, about 200 photographs for engraving; among them were Lord Brougham, Prince Dhuleep Singh, Mr. Serjeant Shee, the Prince Consort, Lord Campbell, the Rev. J. Bellew, and other distinguished persons. They were all engraved and published in the *Illustrated News of the World* weekly. Some of them were returned after being engraved. I also lent him photographs which, to the best of my belief, have not been engraved. Among them were the Earl of Dartmouth, the Duke of Rutland, Mr. Bernal Osborne, Mr. Tom Taylor, the Rev. Baptist Noel, Prince Joinville, Lord Rosse, and others. The photographs were taken by me by arrangement. Lord Brougham and others came to me for their portraits. I stated to them that the negatives were my property, and I asked their permission to publish them; they gave me their consent. In many cases permission was refused. On all the photographs produced permission was given. I took the portraits at my own expense, and gave a copy to the parties who sat for them.

The portrait of Lord Brougham in an oratorical attitude was produced and handed to the jury.

Witness continued.—Mr. Tallis became a bankrupt in 1860, but his paper continued as before. After his bankruptcy I found that reduced copies of my photographs were being sold. I had not myself published or authorized to be published any copies of them. I found that Mr. Bennett, of Bishopgate Street, was selling them, and I called upon him and ascertained that he was publishing them for Mr. Higby, the defendant. Mr. Higby afterwards called upon me, and offered to sell me the photographs and the negatives he had made from them for £250. I stated I would give him no definite answer till I had consulted my legal adviser. On his calling again I refused to hold another conversation with him.

In cross-examination.—I have sold a few copies of the original of Lord Brougham and a few others to their private friends at £2 2s., with an express understanding that they were not to be copied. I sold no copies of Prince Dhuleep Singh except to himself. No offer that I can recollect was made for Sir John Pakington. (Laughter.) Alderman Carden was returned by Mr. Tallis. As soon as I found that the portraits were being sold I wrote to the assignees of Mr. Tallis, saying they were my property.

The evidence of Mr. Mayall was confirmed by his secretary, and witnesses were called to prove the value of the photographs and of the reduced copies of them sold by the defendant.

On behalf of the defendant, Mr. Smith stated that he should prove that Mr. Higby had bought the portraits from the

assignees in bankruptcy of Mr. Tallis under the impression that they had a good title to them, and that he had paid considerable sums for them, and was acting in a perfectly *bonâ fide* manner.

The Chief Baron said that after the evidence that had been given there was no pretence for saying that any property in the photographs passed to the assignees; that the defendant, though acting *bonâ fide*, had no right to them, and must look to the assignees for his remedy.

It was ultimately arranged that a verdict should be entered upon the count in *detinue* for the plaintiff for 40s., upon the understanding that the photographs should be given up to the plaintiff; and, after direction from the Judge, the jury returned a verdict for the plaintiff of £25 upon the count charging the defendant with illegally using the photographs by making and selling reduced copies of the same, the question being reserved for the Court whether any such action would lie in the absence of any law of copyright relating to photographs.

Proceedings of Societies.

SOUTH LONDON PHOTOGRAPHIC SOCIETY.

THE usual monthly meeting of this Society was held at the City of London College (formerly Sussex Hall), Leadenhall Street, on the evening of Thursday, the 13th instant. The Rev. F. F. STATHAM, M.A., F.G.S., in the chair.

The minutes of a former meeting were read and confirmed, and the following new members were elected:—Messrs. H. P. Robinson, of Leamington, J. J. Cole, C. W. Wood, Harman, Hoskins, and Shooter.

Mr. T. CLARK WESTFIELD presented to the Society a copy of his work on Japan, illustrated with photographs, which was noticed in our last.

Messrs. SMYTH and BLANCHARD presented to the Society two very fine photographic copies of paintings by Mr. Noel Paton.

Mr. G. WHARTON SIMPSON proposed, after the routine business, that the first act they did in the new premises, which promised to be eligible and convenient in every respect, should be to pass a vote of thanks to their worthy President and the Committee of St. Peter's School Rooms, Walworth Road, for their liberality in so long placing the rooms at the disposal of the Society. The vote was carried at once by acclamation.

Mr. HOWARD proposed the effects of the Society left in the school-room, consisting of benches and some planks, &c., for the purpose of making long tables, be offered to the Committee of the School Room.

Mr. SIMPSON seconded the resolution, which was carried, as was also a motion by Mr. S. Davis, thanking Mr. J. Rennel for a liberal offer of an excellent room gratuitously; but which not being sufficiently central had not been accepted.

The SECRETARY, referring to photography in the International Exhibition, said:—It would undoubtedly be a matter of great and very serious regret if, of all the arts and sciences it is the great business of this year of 1862 to show the world in their most advanced stage of development and promise, photography alone should be represented by a poor, a meagre, or insufficient display. I hear with pleasure that the Committee appointed by Her Majesty's Commissioners for the management of this department of the glorious International Exhibition are most earnestly doing their work, and that they spare neither personal labour nor thought in working out their very important tasks; but the space devoted to photography in the Kensington Exhibition is so very circumscribed, and so unfortunately subdivided, that it seems extremely desirable that an exhibition of photography additional to it, and calculated to convey a more thorough and comprehensive view of the art in its various pictorial and scientific departments, should be organised, and opened at as early a period as possible after the present date. Influenced by such considerations, your committee have for some months past contemplated and discussed the possibility of opening an independent photographic exhibition, which, without opposing, should be additional to the photographic portion of that at South Kensington. Having matured a plan, and put themselves in written communication with the Secretary of the Crystal Palace Company at Sydenham, Mr. G. Wharton Simpson, Mr. Sebastian Davis, and myself, at the request of the Committee, waited upon this gentle-