THE COURTS.

"THE RIGHT-BLOOMING CEREUS."

Phalon & Son vs. Wright. In equity. Sur motion for a special injunction. Thompson, P. J. It is somewhat strange that, in the State of Pennsylvania, whose people are largely engaged in manufactures, the subject of "trade marks" should not have been more frequently presented to our courts for decision.

The case of *Goldsby vs. Baird*, reported in *Fourth Philadelphia Reports*, 139, decided in this court, in which my brother Ludlow delivered an elaborate and well-considered opinion, seems to be the only reported decision in this State upon the subject.

In New York, the subject of trade marks has been frequently presented for judicial consideration, and in the decisions of the courts of that State and of the English tribunals, with one or two from other States, we find the sources of the information required for the investigation of the case before us.

It is well settled that a court of equity will exercise its power for the protection of the owner of a *trade mark* in the exclusive enjoyment of that device or symbol chosen by him to *designate his* goods or manufactures and to distinguish them from those of others.

Every man has a right to the products of his own labor, and to distinguish them, that persons dealing in or purchasing his commodities, may be readily able to recognize them as his. The maker may, therefore, either with or without the use of his name, adopt a word, title, symbol, or figure to *designate the ownership* or manufacture of his goods. In the use of such "trade mark" he is to be protected from the efforts of others who would take advantage of his enterprise or skill, and, by imitation, endeavor to impose upon the public and to deprive him of the just reward of his industry.

The adoption of a trade mark or device to indicate the manufacture or origin of a certain article does not give any right to the *exclusive* production of the article so marked. Any article of manufacture, *unless it be protected by a patent*, may be made and sold by any person. There is no such thing as an exclusive right to any particular branch of industry. The only restriction is that each person shall stand upon his own merits, and none shall be permitted by the use of marks or symbols to pretend that the goods offered by him are the goods of another.—*6 Bcav. 72 Perry vs. Truefit; Coffeen vs. Brinton; 4 McLean*, 516. This rule has even been applied to cases where there was no question of invention—as where the manufacturer of steel was prohibited from stamping upon his manufacture certain words which he had impressed upon the steel, to indicate the quality of steel, but which were in fact the name of the original manufacturer and indicated his ownership.—*Sheffield vs. Gregg*, 3 *Hall & Tw.* 90.

The "trade mark," to be capable of an exclusive use, must be such as will *identify* the article to which it is affixed, as that of the person *naming it* and distinguish it from others.

A word which is the *name* of the article, or indicates the quality, cannot be so appropriated. Nor can one use the right to manufacture the same article, and to call it by its name or descriptive character. In doing so there is no violation of property or of truth, and others have the same right to manufacture the article, and to call it by its name or descriptive character. *Singleton vs Bolton*, 3 *Doug.* 293. *Canham vs. Jones*, 2 *Ves. & B.*, 218. *Amoskeag Man. Co. vs. Spear*, 2 *Sand. S. C. R.*, 599. 17 *Barb.* 603.

Were it otherwise, monopolies might be created which would be destructive of the freedom of trade and restrictive of the liberties of the citizen.

The *name* of an article cannot become the exclusive property of the maker, especially if that article is a known substance or product. It would not be supposed that the exclusive right to prepare the extract of a particular flower or of a medicinal bark could be obtained by the use of the name of such flower or bark. Could it be tolerated that one manufacturer alone should have the right to make the extract of roses or of Peruvian bark because he adopts the name only?

This principle has been elaborately considered in several cases. *Ainsworth Man. Co. vs. Spear*; *Stokes vs. Landgraff*, 17 *Barb.* 608; *Partridge vs. Wells, 4 Abbott's Pr R.*, 144. "In short," says Judge Duer, in his clear and lucid manner, "no exclusive right can be valuable or other trade mark the *appropriate* name of a manufactured article exists only in those who have an exclusive property in the article itself, and it is not pretended that the plaintiff or his firm have any exclusive property in the preparation or compound to which the word "Night Blooming Cereus" or "Thousand Flowers" has been given. It is only the seductive name that they claim as their exclusive property."

So, in *Stokes vs. Landgraff*, it is said: "In respect to words, marks, or devices which do not denote the goods or particular property or business of a person, but only the nature, kind or quality of the articles in which he deals, a different rule prevails. no property in such words, marks or devices can be acquired."

Whether a word which is *not* the name of any known substance, but is entirely the device of the party using it, can become so exclusively the "trade mark" of its inventor as to call for the protection of a court of equity, and to impose upon the public or of another word closely resembling it, by others, seems not fully determined.

"It does not seem to me," says Lord Langdale, "that a man can acquire a property merely in a name or mark; but whether he can or not, another has no right to use that mark for the purpose of deception."—*Perry vs. Truefit, 6 Beav* 72.

This question was considered in the case of *Burnet vs. Phalon* in the Supreme Court of New York; and an injunction granted upon the ground that the word "*cocaine*," by the plaintiff, was not a word known in the language—and that the use of the word "*Cocaine*," which closely imitated his trade-mark of the plaintiff, must be presumed to have been made for the purpose of inducing the public to believe that the article was that of his whose trade-mark was thus imitated, and for the purpose of supplanting him in the good will of his trade or business.

But even in that case the judge remarks: "That no one can appropriate a word in *general use* as his trade mark, and that such a person has no property in the word. *Burnett* cannot acquire a property in the words gin, wine, brandy, or ale, or in *any other word* known to the language, and in common use, to designate things or qualities of things."

So in the case of *Wolfe vs Goulard*, decided in the Supreme Court of New York, 18 *How. Pr. Rp.* 64, it was held that the words "*Scheidam Schnapps*" as designating gin, were simply the proper name of the article sold, and that, consequently, a person who frames a new word to designate an article made by him, which has never been used before, may obtain a right to use such word as against others who subsequently use it for a similar article, that such exclusive right can never be successfully claimed of words in common use previously, as applied to the article in question.

In the present case the plaintiffs claim to have compounded a new perfume, and to have invented a name for it, viz: "Night Blooming Cereus," or "Cereus." They do not claim any exclusive right in the perfume itself. They have thus chosen the name of a rare though *well-known* flower, and claim in the name alone an exclusive right as their "trade mark."

They admit that such name is a deception as far as it is used to indicate the real character of the compound; that the perfume is no extract from the flower, and that the trade mark is in that respect a pure invention. The "Night Blooming Cereus" is, however, exists, a flower well known by that name, which, when first introduced to public notice, excited much attention. The flower extract may be made from that flower; any perfumer has the right to make such an extract, and to call it what it is, by the name of the flower.

If this be so, the name of the flower cannot be appropriated as a trade mark.

This seems a clearer case than any of those referred to, and the name used must be classed with "Gin," "Wine," "Schnapps," and such other words known to the language, or common use to designate things, or their qualities, in which no exclusive right can be acquired.

The plaintiffs here assert no specific claim to anything but to the name. The resemblance of the label used by the defendants to that of the plaintiffs' does not, perhaps, amount to what it be, as the respective labels are so different in color, shape, size, and character, that any one who had seen that of the plaintiff could scarcely mistake the label of the defendants for it; besides, the most distinctive words upon the defendants' label are those indicating their name and residence.

There was nothing in the case to show that the defendants used any art, by a close imitation of the label, to the purpose of their perfume, under the false pretence of its being the plaintiffs.

The exclusive right to the name was all that was claimed on the argument, and for the reasons given, we think that to that no exclusive right is claimed.

But another principle which seems well settled stands in the plaintiffs' way, that is, that equity will not protect a dishonest trade.

As an exhibit, the plaintiffs produced an advertising card, used to give publicity to their new preparation, upon which was printed what they call the new perfume is the extract of the "Night Blooming Cereus, distilled from this rare and beautiful flower, from which it takes its name."

It is not pretended that this is true. The perfume is an alcoholic compound, not an extract from the flower. Its use is deceptive, intended to impose upon the public by exciting curiosity to learn the nature of the perfume of the rare and beautiful flower.

It may be that the label is harmless. The manufactured perfume may be better than the genuine extract would be; but still it is a deception, and the plaintiff has no right to ask the aid of a court of equity to aid him in carrying it on. *Pidding vs. Howe*, 8 *Simon*, 477. *Perry vs. Truefit*, 8 *Beav.*, 66. *Hine's Patent vs. Harrison*, 19 *Law. L. and Eq.*, 10. *Fetridge vs. Wells*, 4 *Abb. Pr. Rep.*, 144.

Thus the case stands upon the plaintiff's own showing, by their affidavits, and it evidently was the name upon their labels which was used to imitate the plaintiff's labels, and they show by the affidavit of the lithographer by whom the label was drawn and prepared, that he did not know of the existence of the plaintiff's label when he designed and drew the label for the defendants.

The labels are so little alike, and the name of the defendants so distinctly printed upon theirs, that, as has already been said, no one purchasing Wright's Night Blooming Cereus could suppose he was buying Phalon's.

It is very manifest that the defendants did not sell their preparation as that of Phalon; they clearly marked it as their own production, and we have been unable to discover in the case any ground upon which we could properly grant an injunction.

The motion for an injunction is dismissed.

Supreme Court at Nisi Prius—Judge Agnew.

The following case, of considerable interest to stockholders, and in fact to all interested in stocks, or their transfer, was decided on Saturday by Judge Agnew:

Charles B. Dungan and Henry D. Steever vs. John H. Dobnert. This case came up for hearing on a demurrer to the bill filed, and was argued by Bullitt and Dickson for complainants, and by George W. Biddle for demurrer.

The facts set forth were these: Complainants agreed to transfer to the defendant certain stocks in payment of a debt, amounting to two hundred shares of the Syracuse Gaslight Company, with a reservation that the defendant "should pay or transfer to said Dungan and Steever any and all extra dividends which may be declared on said two hundred shares of the Syracuse Gaslight Company, either in money or stocks, to which they may be entitled on or after January, 1863; said Dohnert, however, is to retain the regular dividends so declared as his own."

The stock was transferred, and in November, 1862, the Gaslight Company declared an extra dividend, which was set apart to the stockholders in this wise: New stock was issued to them at the rate of three-fifths for every share held by each, and the extra dividend entitled the owner to only one issue at $8 33⅓ per share. This gave to the defendant some hundred and twenty shares of the new issue as his proportion upon which the extra dividend of $8 33 was credited as paid. The effect of these transactions was this: The defendant being the absolute owner of the old stock, all rights inhering in it became his. The right to the new issue clearly inhered in the ownership of the old. Whatever benefit, therefore, could be derived from the new issue, belonged to the defendant, subject only to the agreement in the reservation.

What was that? It was "*all extra dividends*" declared on the two hundred shares before the first of January, 1863, in "money or stock, or both," and these, we have seen, were the exact sum of $8.333⅓ upon each of the one hundred and twenty shares. The share was $25, thus leaving an "ex-dividend" share unpaid, by the terms of the certificate, "subject to such calls as shall be made from time to time by the board of directors."

Judge Agnew, in his opinion, delivered Saturday, affirms both points raised in the demurrer, and decides, first, that the circumstances of the case as set forth in the bill presented no ground for the relief sought; second, that in Pennsylvania an agreement for the delivery of stock was not the subject of specific performance by a court of equity.

In disposing of the second point, he says: "If the point argued, whether equity will decree a specific performance of a contract for stock were the only question, it would be doubtful. The English cases cited are unsatisfactory. Before Dungan vs. Albrecht, 12 Simons, 189, decided in 1841, it had been the settled doctrine of chancery that specific performance would not be enforced of a contract for the sale of stock.

Cuddre vs. Butter, 1 P. Williams, 570, and 1 Leading Cases in Equity, 540, Lepar vs. Haines, Bunbury, 126; Nutting vs. Thornton, 10 Vesey, p. 161; Buxter vs. Lister, 3 Atkins, 384.

The cases of Withy vs. Cottle, and Doloret vs. Rothschild, 1 Simon & Stewart, 174 and 190, decided in 1823, were not exceptions. Both were decided upon peculiar features, which, in the opinion of the vice chancellor, prevented the complainants from having an adequate remedy at law.

The peculiar features of Doloret vs. Rothschild must be noticed, as this case seems to have been the chief authority upon which Dunurft vs. Albrecht and subsequent cases rested. Rothschild negotiated the Neapolitan rentes or stocks, and the case was put on the ground that the bill prayed for the delivery of the certificates, and that the plaintiff, not being the original holder of the scrip, but the BEARER only, might not be able to maintain an action at law upon the contract, the title lying only in equity.

Butin Dunurft vs. Albrecht the Vice-Chancellor thought there was a difference between public stocks, such as three per cents, which could easily be procured in the market and railway shares; and that as to the latter, specific performance might be enforced. This distinction was recognized in Cheate vs. Kenward, 3 DeGex, &c. 27. The Master of the Rolls; in Pool vs. Middleton; 29 Beavan, 645, was of opinion specific performance of stock contract could be enforced, but referred to no authority and to no distinction. But in the Oriental Inland Steam Company vs. Briggs, 2 Johnson & Ch. R., 625, decided in 1861, the Vice-Chancellor manifestly receded, remarking that, "Independently of these observations, I would hesitate much, in the absence of authority, before decreeing specific performance of a contract to take shares, without special grounds (which no doubt may easily exist in particular cases) to show the inadequacy of the remedy at law." This accords with the view of the law taken in the early cases, and the peculiar grounds of decision in Withy vs. Cottle and Doloret vs. Rothschild, 1 Simons & S., 174 590.

This is also the doctrine of the American cases. The question will be found collated in the note to Taddrew vs. Hutter. Leading cases in equity 653; top 756, ed. 1859 by Hare & Wallace. In our own State the law is necessarily so, as the jurisdiction is conferred only "where a recovery in damages would be an inadequate remedy." See, also, McGowen vs. Remington, 2 Jones, 66.

There is not, in the special circumstance in the case which clearly renders the remedy at law inadequate, as where there is something specific in the subject which cannot be estimated with certainty in damages, or where the damages are not ascertainable, owing to the uncertain nature of the subject.

In an ordinary contract for the sale or transfer of stock, where there is no fiduciary relation between the parties, no peculiar circumstance attending the stock, and no trust declared or arising by operation of law, or other fact in the contract which would make it unjust for the party to retain the stock, and where there is no reason for specific performance other than in every case of a sale of chattel. The non-delivery or refusal to transfer can be easily compensated in damages.

In the cases before us, not only is there nothing peculiar stated, but the damages cannot be compensated in damages, but additionally there is gross waste of equity in compelling the defendant to yield up the stock which he claims to have taken to his advantage of contract and no offer of indemnity, while the extra dividend fund is measured with the mode of payment with interest and any premium it may bring as stock. I must therefore sustain the demurrer. Demurrer allowed by the court.

Court of Quarter Sessions—Judge Ludlow.

The Pecuniary term of this court has about drawn to a close, jurors having been discharged from further attendance last week. On Saturday, recognizances were forfeited to a number of cases as follows:

David Graham, bail in $800 for Phillip A. Minnick; Samuel Fagel, bail in $1,500 for Simon Morris; Solomon Beckendorfer, bail in $1,500 for Saml Salter; Henry Hartzinger, bail in $2,000 for Richard Walker; William McNutt, bail in $300 for Hannah McNutt; John F. Johnson bail in $2,000 for Richard Walker; Mitchell Kennedy, bail in $2,000 for Charles Boyle; James R. Thomas, bail in $1,500 for Montreville Somers; Henry Thomas, bail in $1,600 for Samuel Babb and Henry Hagenbuch; Isaac Hodgen, bail in $2,400 for Benj. Young, James Fitzpatrick, and Jefferson Dexter; Wm. H. Conrad, bail in $2,000 for W. K. Shaw; Henry Hartzinger, bail in $1,000 for Fred. Wigley; William W. Thomastson, bail in $3,000 for Josiah McCarty; Robert Morris, bail in $500 for George Morris; Samuel Hamilton, bail in $1,000 for W. Wright; David Alexander, bail in $500 for David Acers; and John Moffit, bail in $1,200 for Margaret Buchanan. Total, $23,200.

THE POLICE.

Police Officer Shot by a Robber.

At an early hour on Saturday morning, Police Officer John Jeffries, who had not been on the force over two months, was shot by a robber in the arm, left, and badly shattered the bone. The robber made his escape. Between 12 and 1 o'clock, Officer Hutchinson observed a man coming from an alley near the corner of Second and Vine. The fellow, on observing the officer, crossed the street diagonally. The thoroughfare being muddy, the suspicion of the officer was at once aroused, and he also crossed.

"A wet morning, sir," said the stranger to the officer.

"Yes," replied the official, "it is rather suspicious that you are out at such a time, in such a place; you are under arrest."

The stranger then retreated hastily. Officer Hutchinson blew his whistle. This brought Officer Jeffries, to the custody of whom the prisoner was transferred. Officer Hutchinson, on observing the fellow the prisoner had emerged but a few moments before. Presently he heard four reports of a pistol in very rapid succession, and shortly after that a self-cocking revolving pistol had been fired. He hastened to the spot, and discovered Officer Jeffries partly reclining on the pavement, with the robber near him. Officer Hutchinson gave chase, but the fugitive escaped in one of the dark thoroughfares in the vicinity of Vine and Water streets.

Officer Jeffries was removed to his residence, on North Seventh street, where he was attended by Dr. Fancoast. On making an examination of Wilson's shoulder, near the scrotum, it was ascertained that the fire proof had been bored into, and there was other evidence of preparation to blow it open. Search and inquiries were made during Saturday, of thieves and other parties, upon suspicion of being implicated in this affair, but they were all discharged.

[Before Mr. Alderman Devlin.]

Receiving Stolen Whitewash.

Edward Taylor and John Perry were arraigned on Saturday, on the charge of purloining an overcoat and a pair of boots, the property of the Continental hotel. The defendants attempted to sell the boots on Friday evening in the vicinity of Fifteenth and Market streets, when they were taken into custody. They were committed to await a further hearing.

[Before Mr. Alderman Patchel.]

Disorderly House.

Louisa Rodgers was arraigned on Saturday, on the charge of keeping a disorderly house in the eighteenth ward, on Cherry Alley, between Seventh and Eighth streets. Three young women in the house were taken into custody. They were put under bonds to be of future good behavior, while the alleged proprietress was held to answer at court.

Robbery.

It was reported at the Central Station, on Saturday, that the American Protestant Hall, on Locust street, below Fifteenth, had been forcibly entered by burglars. The books, containing the work of the order, were stolen. This seemed to be the object of the intruders.

SHERIFF'S SALES.

SHERIFF'S SALE.—BY VIRTUE OF a writ of Venditioni Exponas, to me directed, will be exposed to public sale or vendue, on MONDAY Evening, April 4, 1864, at 8 o'clock, at Sansom-street Hall,

All that certain lot of ground situate on the north side of Cumberland street and west side of Amber street, in the city of Philadelphia; containing in front on Cumberland street thirty-four feet, and in depth one hundred and forty-six feet six inches to Firth street. Subject to a ground rent of eighty dollars, payable first January and July.

J. R. has parted with his interest.

(D. C.: M.: '64. 315. Debt, $333 60. Waln.]

Taken in execution and to be sold as the property of Joseph Rose. JOHN THOMPSON, Sheriff.

Philadelphia, Sheriff's Office, March 21, 1864. mh22-3t

SHERIFF'S SALE.—BY VIRTUE OF a writ of Levari Facias, to me directed, will be exposed to public sale or vendue, on MONDAY Evening, April 4, 1864, at 8 o'clock, at Sansom-street Hall,

All that certain three-story brick messuage, back buildings, and lot of ground situate on the south side of Federal street, sixty-six inches northeastwardly from Hutchinson avenue, in the city of Philadelphia; containing in front on Federal street thirty-six feet, and in depth one hundred and forty-three feet six inches, to the rear of beginning.

Being the same premises which Henry Hutchinson observed a man coming from an alley near the corner of Federal and Hutchinson. The fellow, on observing the officer, crossed the street diagonally. The thoroughfare being muddy, the suspicion of the officer was at once aroused, and he also crossed.

"A wet morning, sir," said the stranger to the officer.

"Yes," replied the official, "it is rather suspicious that you are out at such a time, in such a place; you are under arrest."

The stranger then retreated hastily. Officer Hutchinson blew his whistle. This brought Officer Jeffries, to the custody of whom the prisoner was transferred. Officer Hutchinson, on observing the fellow the prisoner had emerged but a few moments before. Presently he heard four reports of a pistol in very rapid succession, and shortly after that a self-cocking revolving pistol had been fired. He hastened to the spot, and discovered Officer Jeffries partly reclining on the pavement, with the robber near him. Officer Hutchinson gave chase, but the fugitive escaped in one of the dark thoroughfares in the vicinity of Vine and Water streets.

Officer Jeffries was removed to his residence, on North Seventh street, where he was attended by Dr. Fancoast. On making an examination of Wilson's shoulder, near the scrotum, it was ascertained that the fire proof had been bored into, and there was other evidence of preparation to blow it open. Search and inquiries were made during Saturday, of thieves and other parties, upon suspicion of being implicated in this affair, but they were all discharged.

[Before Mr. Alderman Devlin.]

Receiving Stolen Whitewash.

Edward Taylor and John Perry were arraigned on Saturday, on the charge of purloining an overcoat and a pair of boots, the property of the Continental hotel. The defendants attempted to sell the boots on Friday evening in the vicinity of Fifteenth and Market streets, when they were taken into custody. They were committed to await a further hearing.

[Before Mr. Alderman Patchel.]

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Robbery.

It was reported at the Central Station, on Saturday, that the American Protestant Hall, on Locust street, below Fifteenth, had been forcibly entered by burglars. The books, containing the work of the order, were stolen. This seemed to be the object of the intruders.

SHERIFF'S SALE.—BY VIRTUE OF a writ of Venditioni Exponas, to me directed, will be exposed to public sale or vendue, on MONDAY Evening, April 4, 1864, at 8 o'clock, at Sansom-street Hall,

All that certain three-story brick messuage and lot of ground situate on the north side of Sycamore street, fifty-four feet northwestwardly from Tulip street, in the city of Philadelphia; containing in front on Sycamore street fifty-four feet, and in depth one hundred and twelve feet to Thames-street. Which said premises William Lafetra, by deed dated May 21, 1850, recorded in Deed Book G. W. C., No. 51, page 426, &c., granted and conveyed unto the said Joseph Ripka, in fee; reserving a ground rent of forty-eight dollars and sixty cents, payable first of June and December.

(D. C.: M.: '64. 342. Debt, $197 60. Brinckle.]

Taken in execution and to be sold as the property of Charles Schaffer. JOHN THOMPSON, Sheriff.

Philadelphia, Sheriff's Office, March 21, 1864. mh22-3t

SHERIFF'S SALE—BY VIRTUE OF a writ of Levari Facias, to me directed, will be exposed to public sale or vendue, on MONDAY Evening, April 4, 1864, at 8 o'clock, at Sansom-street Hall,

All that certain three-story brick messuage, back buildings, and lot of ground situate on the south side of Federal street, sixty-six inches northeastwardly from Hutchinson avenue, in the city of Philadelphia; containing in front on Federal street thirty-six feet, and in depth one hundred and forty-three feet six inches, to the rear of beginning.

Being the same premises which Henry Hutchinson observed a man coming from an alley near the corner of Federal and Hutchinson. The fellow, on observing the officer, crossed the street diagonally. The thoroughfare being muddy, the suspicion of the officer was at once aroused, and he also crossed.

"A wet morning, sir," said the stranger to the officer.

"Yes," replied the official, "it is rather suspicious that you are out at such a time, in such a place; you are under arrest."

The stranger then retreated hastily. Officer Hutchinson blew his whistle. This brought Officer Jeffries, to the custody of whom the prisoner was transferred. Officer Hutchinson, on observing the fellow the prisoner had emerged but a few moments before. Presently he heard four reports of a pistol in very rapid succession, and shortly after that a self-cocking revolving pistol had been fired. He hastened to the spot, and discovered Officer Jeffries partly reclining on the pavement, with the robber near him. Officer Hutchinson gave chase, but the fugitive escaped in one of the dark thoroughfares in the vicinity of Vine and Water streets.

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SHERIFF'S SALE.—BY VIRTUE OF a writ of Venditioni Exponas, to me directed, will be exposed to public sale or vendue, on MONDAY Evening, April 4, 1864, at 8 o'clock, at Sansom-street Hall,

All that certain brick stable and lot of ground situate on the north side of Frune street (Nos. 416 and 418), between Bonsall and Carlisle streets, in the city of Philadelphia; containing in front on Frune street thirty-six feet, and extending from the said Centre street northward to Church street (both streets being thirty avenue 8 feet wide), one hundred and seventy-eight feet. Bounded westward by the Church lot, northward by Church street, eastward by ground now or late of William Cresson, and southward by Centre street aforesaid.

Being the same premises which George Mackey, by deed dated March 1, 1864, recorded in Deed Book R. D. No. 18 page 191, &c., granted and conveyed unto the said Joseph Ripka, in fee.

(D. C.: M.: '64. 337. Debt, $66 359 50. Judson.]

Taken in execution and to be sold as the property of Alfred Ripka, administrator of Joseph Ripka, deceased.

Philadelphia, Sheriff's Office, March 21, 1864. mh22-3t

SHERIFF'S SALE.—BY VIRTUE OF a writ of Venditioni Exponas, to me directed, will be exposed to public sale or vendue, on MONDAY Evening, April 4, 1864, at 8 o'clock, at Sansom-street Hall,

All that certain lot of ground situate on the north side of Jefferson street, eighteen feet and one inch westwardly from Fifth street, in the city of Philadelphia; containing in front on Jefferson street eighteen feet and one inch, and in depth fifty feet.

Which said premises Wm. Lear Jones, by deed dated May 21, 1850, recorded in Deed Book G. W. C., No. 51, page 424, &c., granted and conveyed unto the said Joseph Ripka, in fee; reserving a ground rent of forty-eight dollars and sixty cents, payable first of June and December.

(D. C.: M.: '64. 342. Debt, $197 60. Brinckle.]

Taken in execution and to be sold as the property of Charles Schaffer. JOHN THOMPSON, Sheriff.

Philadelphia, Sheriff's Office, March 21, 1864. mh22-3t

SHERIFF'S SALE—BY VIRTUE OF a writ of Levari Facias, to me directed, will be exposed to public sale or vendue, on MONDAY Evening, April 4, 1864, at 8 o'clock, at Sansom-street Hall,

All that certain three-story brick messuage, back buildings, and lot of ground situate on the north side of Jefferson street, fifty-six feet northwestwardly from Fifth street, in the city of Philadelphia; containing in front on Jefferson street eighteen feet and one inch, and in depth fifty feet.

Which said premises Wm. Lear Jones, by deed dated May 21, 1850, recorded in Deed Book G. W. C., No. 51, page 424, &c., granted and conveyed unto the said Joseph Ripka, in fee.

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"A wet morning, sir," said the stranger to the officer.

"Yes," replied the official, "it is rather suspicious that you are out at such a time, in such a place; you are under arrest."

The stranger then retreated hastily. Officer Hutchinson blew his whistle. This brought Officer Jeffries, to the custody of whom the prisoner was transferred. Officer Hutchinson, on observing the fellow the prisoner had emerged but a few moments before. Presently he heard four reports of a pistol in very rapid succession, and shortly after that a self-cocking revolving pistol had been fired. He hastened to the spot, and discovered Officer Jeffries partly reclining on the pavement, with the robber near him. Officer Hutchinson gave chase, but the fugitive escaped in one of the dark thoroughfares in the vicinity of Vine and Water streets.

Officer Jeffries was removed to his residence, on North Seventh street, where he was attended by Dr. Fancoast. On making an examination of Wilson's shoulder, near the scrotum, it was ascertained that the fire proof had been bored into, and there was other evidence of preparation to blow it open. Search and inquiries were made during Saturday, of thieves and other parties, upon suspicion of being implicated in this affair, but they were all discharged.

[Before Mr. Alderman Devlin.]

Receiving Stolen Whitewash.

Edward Taylor and John Perry were arraigned on Saturday, on the charge of purloining an overcoat and a pair of boots, the property of the Continental hotel. The defendants attempted to sell the boots on Friday evening in the vicinity of Fifteenth and Market streets, when they were taken into custody. They were committed to await a further hearing.

[Before Mr. Alderman Patchel.]

Disorderly House.

Louisa Rodgers was arraigned on Saturday, on the charge of keeping a disorderly house in the eighteenth ward, on Cherry Alley, between Seventh and Eighth streets. Three young women in the house were taken into custody. They were put under bonds to be of future good behavior, while the alleged proprietress was held to answer at court.

Robbery.

It was reported at the Central Station, on Saturday, that the American Protestant Hall, on Locust street, below Fifteenth, had been forcibly entered by burglars. The books, containing the work of the order, were stolen. This seemed to be the object of the intruders.

SHERIFF'S SALE.—BY VIRTUE OF a writ of Venditioni Exponas, to me directed, will be exposed to public sale or vendue, on MONDAY Evening, April 4, 1864, at 8 o'clock, at Sansom-street Hall,

All that certain lot of ground situate on the north side of Cumberland street, fifty-four feet northwestwardly from Tulip street, in the city of Philadelphia; containing in front on Cumberland street thirty-four feet, and in depth one hundred and twelve feet to Thames-street.

Which said premises William Lafetra, by deed dated May 21, 1850, recorded in Deed Book G. W. C., No. 51, page 426, &c., granted and conveyed unto the said Joseph Ripka, in fee; reserving a ground rent of forty-eight dollars and sixty cents, payable first of June and December.

(D. C.: M.: '64. 342. Debt, $197 60. Brinckle.]

Taken in execution and to be sold as the property of Charles Schaffer. JOHN THOMPSON, Sheriff.

Philadelphia, Sheriff's Office, March 21, 1864. mh22-3t

SHERIFF'S SALE—BY VIRTUE OF a writ of Levari Facias, to me directed, will be exposed to public sale or vendue, on MONDAY Evening, April 4, 1864, at 8 o'clock, at Sansom-street Hall,

All that certain lot of ground situate on the east side of Sixth street, three hundred and sixty-five feet from Dauphin street, in the city of Philadelphia; containing in front on Sixth street fifty-four feet, and in depth one hundred and thirty-six feet ten and one-quarter inches to a point; thence southwestwardly along the ground rent of thirty-three dollars and seventy-five cents, payable first of January and July.

(D. C.: M.: '64. 315. Debt, $333 60. Waln.]

Taken in execution and to be sold as the property of Joseph Rose