

they admitted the mummy had been brought to Trieste from Grand Cairo, it was yet for the defendants to shew that the lineal heir had not sold the body, or that it was not even enjoined by the laws of that country that the heir should always dispose of the embalmed remains of all his progenitors after they had been entombed for 3000 years, or that they were not preserved for that purpose. Besides, it was historically known that the ruling pacha of Egypt had become administrator-general of the catacombs; and as he did not fear to be called to account by the family of the deceased, he had been quite liberal in his sales. The defendants, therefore, were not at liberty to gainsay the title, or set themselves up as heirs—certainly not at this distance, without shewing a more perfect genealogical tree. To the plaintiffs the mummy was not of mere speculative and ideal value. She was of real substantial use: producing a net income of about eight dollars a day throughout the year.

Mr. R. Peale of the New York Museum, in his testimony, substantiated all the facts to shew beyond possibility of doubt that the article in question was a genuine mummy, obtained from the catacombs in Upper Egypt. He had purchased it on its importation to this country, and described it as one of curiously perfect preservation, and valuable for that reason, as well as on account of its being evidently, from the formation of the face, a female, which had been rarely found. He identified it from the colour of the hair being a reddish brown, situation of the front teeth, and other marks which could not be mistaken, as the same which had been "abducted" by the defendants. Mr. Peale gave a very learned and interesting history of these preservations, which had been imported into Europe and this country, and shewed himself better possessed of all the information in that matter than probably any other man in the United States.

After the whole of the evidence had been submitted to the jury by the able and learned Judge, they returned into court with a verdict for the plaintiffs of twelve hundred dollars, besides the costs of suit.

Counsel for the plaintiffs, H. Stone and J. M'Kown.
Counsel for the defendant, J. Jenkins and J. V. N. Yates.

From the Albany Argus.

Singular Subject of Suit.—Amongst the various suits tried at the late circuit court, held in this county, before Judge Duer, there was one of which the subject matter of action was so peculiarly curious and novel, that it attracted much interest in the investigation, and speculation as to the result.

It was an action of trover, brought by Messrs Curtis, Boughton and Thorn, against a Mr. M****, and seven other persons, for the recovery of the value of an Egyptian Mummy. On the trial, it appeared that the plaintiffs had advertised the mummy for exhibition at a public house in the village of Rensselaerville, in this county, about a year ago, and the defendants being young Corinthians of the vicinity, and two or three of them students in a doctors shop, had determined to dissect this wonder of the ancient arts with greater scrutiny than any of the Magi had yet done since it left the catacombs. In a word, it was clear the young disciples of Esculapius were bent upon a familiar interview and frolic with Miss Mummy, without regard to her age or dignity of rank. Accordingly, about midnight, they made a lodgment—some burst open doors and extinguished lights—others were busy in securing the attendant with no easy hand—while the remainder disencased the object of their search from her bed of ages, without waiting to examine whether she was enclosed in sycamore, or what instruments the Egyptians used in forming it. Nor did they stop to decipher the hieroglyphicks on the lid, or search for Osiris or the beetle. Indeed they hurried her Mummyship down stairs with more haste than the gravity of the occasion could at all justify, without considering whether it was a Cleopatra or a Pharaoh. From that night to the present day, the mummy could not be heard of.

The claimants of these precious relics of preserved mortality, naturally enough thought this proceeding a violation, not only of courtesy to the unknow stranger, but as somehow interfering with their interest, and a shabby return for the trouble of bringing the skinny Egyptian all the way from the city of Thebes, on the Nile, for the gratification of the inhabitants of the new world, and they had recourse to the *ultima ratio* of the peaceful citizen,—the powers of the law,—for their redress.

The defendants counsel said their clients had been disposed to believe an imposition was intended to be practised, and they entertained honest doubts of the genuineness of the mummy. They had heard that such articles had been manufactured to dupe the credulous, and it was strongly intimated that as a leather whale had been exhibited in that neighborhood a short time before, which had been discovered at Rochester where an *auto-de-fe* had been made of the unnatural monster, and the discoverers had obtained considerable celebrity, their clients believed this might be a leather mummy; and having been actuated by motives purely for the public good, they ought not to be judged harshly or hastily. But whether it was a genuine mummy or not, they argued that it was an article in which there could be no property. It was against natural feeling, and contrary to the laws of the whole civilized world, to permit a traffic in human bodies.—Besides, the plaintiffs could not be the legal owners, as they admitted in their opening they had obtained it from Grand Cairo, in Egypt, where they must have stolen it. The last lineal descendant was the only one who could with propriety claim the body of his ancestor, and they had the right, for any thing that appeared to the contrary, to take it wherever it was found; and as the plaintiffs, and those under whom they claimed title, were wrong doers, and even iniquitous actors, a conscientious court and jury ought not to help them to that which they had originally obtained against all right. At all events, they observed, the article having no intrinsic worth, nothing could be recovered for it.

The plaintiffs' counsel resisted the suggestion of the defendants, as to the mummy not being genuine, and alleged that it was a wanton attempt to injure the plaintiffs still farther, and challenged the defendants to produce the least proof to raise a doubt on that subject. They stated they were able to show the importation of the mummy by Mr. Kearney, consul at Trieste, and transmission to a most respectable mercantile house in New-York, with the original certificates, the purchase by Mr. R. Peal, of the New-York Museum, the opening of the sarcophagus, and the cutting of the bandages from the face, in the presence of more than 300 intelligent persons in that city, and the certificates of scientific gentlemen who were present, whose names would obtain the most implicit confidence. It was not only an article of property, but such as could not be replaced, and of great value. It was an article of commerce. The owner was as much entitled to this preservation, although it was of a human body, as the surgeon was to his anatomical preparations, or the devotee to his relics, or the student of natural history to his collections of curiosities. The plaintiffs were as well legally as honestly, the owners; because, although