Thompson v. *Stanhope*, was the case of the celebrated Chesterfield letters, in which Lord Bathurst continued an injunction which had been previously granted, restraining the publication of the letters, on a bill filed by the executors of Lord Chesterfield to enjoin the publication.

In *Lord and Lady Percival* v. *Phipps*, a bill was filed praying an injunction to restrain the publication of certain private letters which had been sent by Lady Percival to the defendant, Phipps. Lord Eldon granted an injunction but the Vice Chancellor, Sir Thomas Plumer, dissolved it, and laid down the doctrine that it is only when letters "are stamped with the character of literary compositions," that their publication can be enjoined. And he sought to bring the decisions in *Pope* v. *Curl* and *Thompson* v. *Stanhope* within the scope of that doctrine, thereby making them inapplicable to the case before him.

Then came *Gee* v. *Pritchard*, which was a case presented to Lord Eldon, on a motion to dissolve an injunction which he had previously granted, forbidding the publication by the defendant of a number of private and confidential letters which had been written to him by the plaintiff in the course of a long and friendly correspondence. The motion to dissolve the injunction was denied.

Following the authority of *Percival* v. *Phipps*, maintaining that the cases of *Pope* v. *Curl*, *Thompson* v. *Stanhope*, and *Gee* v. *Pritchard*, involved only the principle of literary property, Vice Chancellor McCoun in *Wetmore* v. *Scovell*, 3 Edw. Chy. Rep. 543, held that the publication of private letters would not be restrained except on the ground of copyright, or that they possessed the attributes of literary composition, or on the ground of a property in the paper on which they were written. This view of the question received the sanction of Chancellor Walworth in *Hoyt* v. *Mackenzie*, 3 Barb. Chy. Rep., 320; but these two cases stand in antagonism to the views expressed by Story in his work on Equity Jurisprudence (Vol. 2, Secs. 944, 945, 946, 947, 948), and to the judgment of the same learned jurist in *Folsom* v. *Marsh*, *supra*. The opinion of Judge Duer in *Woolsey* v. *Judd*, *supra*, is an exhaustive and able review of the subject and analysis of the cases; and he very satisfactorily shows, that the decisions in *Pope* v. *Curl*, *Thompson* v. *Stanhope*, and *Gee* v. *Pritchard*, proceeded upon the principle of a right of property retained by the writer in the letters written and sent by him to his correspondent, without regard to literary attributes or character. The case was one involving the right of the receiver of a private letter to publish it; and it is there clearly shown that the proposition settled as law by Lord Eldon in *Gee* v. *Pritchard*, was, that "the writer of letters, though written without any purpose of publication or profit, or any idea of literary property, possessed such a right of property in them that they can never be published without his consent, unless the purposes of justice, civil or criminal, require the publication." Commenting on *Pope* v. *Curl*, the learned judge made the very just observation, that not only was there no intimation in the judgment of Lord Hardwicke "that there is any distinction between different kinds or classes of letters limiting the protection of the court to a particular class, but the distinctions that were attempted to be made, and which seem to be all the subject admits, were expressly rejected as groundless." Again, in discussing the effect of the decision in *Gee* v. *Pritchard*, Judge Duer observed: "Two questions were raised and fully argued by the most eminent counsel then at the chancery bar. First, whether the plaintiff had such a property in the letters as entitled her to forbid their publication—it being fully admitted that they had no value whatever as literary compositions, and that she never meant to publish them; and second, whether her conduct toward the defendant had been such as had given him a right to publish the letters in his own justification or defence. These questions were properly argued as entirely distinct, and each was explicitly determined by the Lord Chancellor in favor of the plaintiff. The motion to dissolve the injunction was accordingly denied with costs. It has been said that it was through considerable doubts that Lord Eldon struggled to this decision; but the doubts which he expressed related