

HAYDEN *v.* GREAT FALLS
MANUFACTURING COMPANY.

Circuit Court, D. New Hampshire. —,1880.

1. PATENT—PRACTICE—SUPREME COURT
EQUALLY DIVIDED.

In Equity.

The defendants filed a demurrer, and, among other causes, alleged that the complaint was barred by the statute of limitations. The patent was dated December 1, 1857, and extended seven years. In 1866 a partial account of damages was rendered to the complainant; the question being whether the suit could be maintained after the expiration of the patent.

Geo. L. Roberts & Brothers, for complainant.

Mr. Copeland, for defendant.

LOWELL, C. J. This question has been once argued before the full bench, at Washington, when the court was equally divided in opinion. Under these circumstances the case is to be re-argued, and, pending its decision, the rule heretofore adopted in this circuit will be, until otherwise ordered by the supreme court, maintained, viz., to permit the bill to be brought.

The demurrer was overruled.

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