

BARKER *v.* TODD.

Circuit Court, N. D. New York. November 29, 1882.

1. ANNULMENT OF DECREE.

It being made to appear to the court by the petition of strangers to the record that a decree was obtained by collusion between complainant and defendant, it is annulled and the cause dismissed.

2. BARKER PATENT FOR CHAIN-PUMPS.

Vacation of judgment in favor of Barker reissue No. 6,531, for chain pumps, reported in 13 FED. REP. 473.

The decision in *Barker v. Todd*, reported in 13 FED. REP. 473, has since been set aside upon the application of the L. M. Rumsey Manufacturing Company, and the case finally disposed of by the following decree.

Parkinson do Parkinson, for L. M. Rumsey Manufacturing Company.

R. H. Duell, for Barker.

WALLACE, J. This cause having been heard upon the petition of the L. M. Rumsey Manufacturing Company *et al.* to vacate and annul the decree heretofore entered herein, and upon affidavits and arguments of counsel in behalf of the said petitioners and the said complainant, Barker, and it appearing to the court that the proceedings therein were procured by collusion between the complainant, Barker, and the defendant, Todd, and that there was no real controversy between them, it is hereby ordered, adjudged, and decreed that the said decree, to-wit, the decree entered on or about the twelfth day of September, 1882, be and the same is hereby vacated and annulled, and that this cause be dismissed. It is further ordered that said Barker pay the disbursements incurred in the said application for vacation of said decree.

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