

strictly within the letter of section 1020 of the Revised Statutes. The recognizance here was taken, not for the defendant's appearance for trial, which strictly seems to be the case contemplated by section 1020, but after trial and conviction, and was conditioned for the defendant's appearance on the first day of the present (May) term, to abide the sentence of the court. He did not appear then, but did subsequently during the term, and was sentenced. The party making application for the remission is the bail, who certainly was guilty of no "willful default," however it may have been with the defendant himself. Public justice does not require the penalty to be enforced if the defendant pay his fine and costs. The case is within the spirit and reason of the said section 1020, and substantial justice will be subserved by remitting the forfeiture upon terms.

And now, June 3, 1884, it is ordered that the forfeiture of said recognizance be taken off and the penalty remitted, upon condition that the defendant pay the fine imposed on him, and the costs of prosecution.

PALMER v. TRAVERS.

(Circuit Court, S. D. New York. June 6, 1884.)

PATENTS FOR INVENTION—THREATENING SUITS FOR INFRINGEMENT—INJUNCTION.

Courts of equity have no jurisdiction of libel or slander affecting title to a patent or patent-right, or any other slander or libel, unless threatened or apprehended repetition make preventive relief proper and necessary. The remedy for past injuries of that nature is an action at law.

In Equity.

Edwin H. Brown, for orator.

Louis W. Frost, for defendant.

WHEELER, J. This suit is brought upon written representations to dealers in hammocks that hammocks made by the orator infringe a patent of the defendant, and threats of suit for the infringement, contained in letters from the defendant's attorneys addressed to such dealers. The bill does not allege that the defendant threatens, nor that the orator believes he intends to continue such representations or threats, nor even that the orator fears he will. The proof does not go, in this respect, beyond the bill. These representations by letters addressed to persons or firms do not import that they are to be continued, as circulars or advertisements inserted in stated continuous publications might, but each is complete in itself and stands by itself. Courts of equity have no jurisdiction of libel or slander affecting title to property or property rights, or any other slander or libel, unless threatened or apprehended repetition makes preventive relief proper and necessary. The remedy for past injuries of that nature is un-

derstood to be wholly at law. On the allegations and proofs here, the orator might, and might not, be entitled to maintain an action at law for these representations and threats and their consequent damage. But whether he would or not, he is not entitled to maintain a suit in equity merely for an account of such damage. An account might follow, as it does in patent and other cases, if the equitable right to an injunction was made out. There must be some ground for equitable relief before a court of equity will grant any relief. *N. Y. Guaranty Co. v. Memphis Water Co.* 106 U. S. 205; S. C. 2 Sup. Ct. Rep. 279. No ground for such relief is claimed here, except the right to an injunction; and no ground for an injunction appears, for nothing a court of equity would prevent is shown to be impending.

Let there be a decree dismissing the bill of complaint, with costs.

CONSOLIDATED ELECTRIC LIGHT CO. *v.* BRUSH-SWAN ELECTRIC
LIGHT CO.

(Circuit Court, S. D. New York. June 10, 1884.)

PATENT—PLEADING—MULTIFARIOUSNESS—INFRINGEMENT OF SEPARATE AND DISTINCT PATENT

Upon the alleged infringement of five distinct patents by the use of one machine, each of the five inventions being capable of separate use independent of the others, the trial as to the validity of each patent, and the infringement as well, must be separate from trials as to the validity and infringement of the others, and upon distinct issue as to each.

In Equity.

Amos Broadnax, for orator.

William C. Witter, *Eugene H. Lewis*, and *Samuel A. Duncan*, for defendant.

WHEELER, J. This is an amended bill brought upon five different patents,—one for an electric lighting system, one for an improved regulator for electric lights, one for an improvement in electric lamps, one for an improvement in carbons for electric lights, and one for an improvement in the treatment of carbons for electric lights,—and is demurred to for multifariousness. The bill alleges that the patented inventions are capable of being used conjointly; that the orator makes, uses, and sells conjointly, as parts of the same electric lighting system, each and all of said inventions in some essential and material parts thereof; that the defendant is infringing each and all of these patents by making, selling, and using each and all of said inventions conjointly, in a system of electric lighting, the same substantially as that of the orator. The titles of the patents, as well as the patents themselves, of which proffert is made, show that these inventions may be used separately, and operate independently, with respect to each