and an alien. Respublica v. Cobbett, 3 Dall. 467; Bailiff v. Tipping, 2 Cranch, 406. When both parties to a suit are aliens, the courts of the United States have no jurisdiction of it, (Montalet v. Murray, 4 Cranch, 46,) though it would seem to be otherwise in admiralty, as to aliens of a friendly foreign power, as in a case of salvage (The Blaireau, 2 Cranch, 240) or collision, (The Belgenland, 114 U. S. 355, 5 Sup. Ct. Rep. 860.) An alien may sue the United States in the court of claims, when the government of his own country accords to our citizens a right to sue it, (U. S. v. O'Keefe, 11 Wall. 178; Carlisle v. U. S., 16 Wall. 147;) and a state may sue the United States in that court, (U. S. v. Louisiana, 123 U. S. 32, 8 Sup. Ct. Rep. 17;) and it has been held in Texas that an ejectment suit by the state to try title to land, brought in the state court against aliens, could be removed to the federal court which had jurisdiction, (State v. Lewis, 12 Fed. Rep. 1, 14 Fed. Rep. 65.)

HERRICK et al. v. CUTCHEON et al.

(Circuit Court of Appeals, First Circuit. February 3, 1893.)

No. 48.

APPEAL—TIME OF TAKING—DECREE—DOCKET ENTRIES.

The docket entry in an infringement suit, "Opinion—Decree for complainants," does not constitute a decree for an injunction which is required to give the circuit court of appeals jurisdiction, nor can such entry be aided for that purpose by reference to the opinion; and hence an appeal taken before any decree is drawn is premature.

Appeal from the Circuit Court of the United States for the District of Massachusetts.

In Equity. This was a suit by James C. Cutcheon and Charles S. Johnson against George W. Herrick, Frederick W. Herrick, and George H. Herrick for the infringement of letters patent No. 384,893, issued June 19, 1892, to the assignees of James C. Cutcheon, for an improvement in "beating-out machines." The court rendered an opinion (52 Fed. Rep. 147) sustaining the patent, finding that it had been infringed, and concluding with the words, "Decree for complainants." Thereupon, and before any decree was entered, defendants appealed. Dismissed.

Charles A. Taber, for appellants.
Alexander P. Browne, for appellees.

Before PUTNAM, Circuit Judge, and NELSON and WEBB, District Judges.

PER CURIAM. Whatever may be the practice of the circuit court as to drawing out decrees before they become effective as such, it is plain that the docket entry in this case, containing only the words, "Opinion—Decree for complainants," does not constitute a decree for an injunction required to give this court jurisdiction, nor can the docket entry be aided for that purpose by reference to the opinion. The appeal was taken prematurely, and is dismissed.

BROWN et al. v. REPUBLICAN MOUNTAIN SILVER MINES, Limited, et al.

(Circuit Court, D. Colorado. April 3, 1893.)

1. FOREIGN CORPORATION—REORGANIZATION—NOTICE.
A mining company was organized in England for the purpose of operating mines in the United States. Its principal office was in London, but all its property except office furnishings was in the United States, and consisted of mines and mining lands. All of its business was conducted in the United States, and four fifths of its stock was held there. A by-law of the company authorized a transfer of its property and business, or a reorganization, upon not less than one month's, and not more than three months', notice to the stockholders of the meeting to be held for that purpose. The English stockholders and officers, however, attempted to reorganize the company under a British statute providing for a preliminary meeting and a confirmatory meeting held on not less than fourteen days', nor more than one month's, notice; and a resolution to reorganize was in fact passed by the English stockholders at a meeting held pursuant to notices sent out fourteen days before, but which in fact were not received by the American stockholders until after the meeting. *Held*, that there was no conflict between the by-law and the English statute, and that the former should control; and therefore that the proceedings of the English stockholders were void for want of notice.

2. SAME—JURISDICTION OF AMERICAN COURTS.
In such case the American stockholders properly resorted to an American court for protection of their rights, and could not be required to seek their remedy in the English courts.

3. SAME—INTERNATIONAL COMITY.
The reorganization in question having been the voluntary act of the English stockholders, and not of the British courts, and having been in flagrant violation and disregard of the rights of the American stockholders, no principle of international comity required that it should be sustained.

In Equity. Bill by J. Warren Brown and another against the Republican Mountain Silver Mines, Limited, and other defendants. Heard on the merits, and decree entered for complainants.

R. S. Morrison and Willard Teller, for complainants.
Charles E. Gast, for defendants.

RINER, District Judge. This is a bill in equity by J. Warren Brown and Porter P. Wheaton, on behalf of themselves and all other stockholders, similarly situated, of the Republican Mountain Silver Mines, Limited, against that corporation and certain of its directors. The defendant company is a corporation organized under the laws of Great Britain, with its principal office in the city of London. The corporation was formed, as shown by its memorandum of association, for the purpose of purchasing or otherwise acquiring and working mines and mining rights in the state of Colorado, in the United States of America, or elsewhere, "and in particular the land, minerals, and mining rights situate on the Republican mountain, near Georgetown, Clear Creek county, in the state of Colorado, in the United States of America, with the ore houses and other buildings erected on the said land, and the plant, machinery, stock, implements, and effects used in or about or be-