consideration. I do not think that a case for an injunction has been made out.

Decree that the suit be dismissed, with costs.

ADRIANCE, PLATT & CO. v. McCORMICK HARVESTING MACH. CO. et al.

(Circuit Court of Appeals, Seventh Circuit. May 25, 1893.)

No. 108.

1. PATENTS FOR INVENTIONS—INFRINGEMENT SUIT—PARTIES.
   A licensee may prosecute in his own name suit for infringement of a patent where the defendant is the owner of the legal title to the patent. Littlefield v. Perry, 21 Wall. 205, cited.

2. CONTRACT—CONSTRUCTION—AMBIGUITY.
   It is only a latent ambiguity that may be explained by evidence aliunde. Doubts apparent upon the face of an instrument must be resolved by the court, resorting, if necessary, to the rule that a grant expressed in doubtful words shall be construed most strongly against the grantor.

3. PATENTS FOR INVENTIONS—LICENSE FOR SALE IN FOREIGN COUNTRIES.
   In addition to the grant of an exclusive license to manufacture and sell in certain parts of the United States, a license contained the following clause: "And, so far as we can control the same, the exclusive right to build harvesters and binders under the rights herein granted, for sale in Europe, Australia, and South America." *Held* that, fairly and reasonably construed, this language conferred upon the licensee an exclusive right to manufacture within the United States for sale in the foreign countries named, and hence that an injunction should issue against the parties manufacturing in the United States outside the territorial limits covered by the license to restrain them from manufacturing for such foreign trade.

4. INJUNCTIONS ORDERED.
   In this case the court finds that complainant is entitled to a preliminary injunction to restrain infringement of 16 patents issued to James R. Severance for improvements in harvesters and binders. 55 Fed. Rep. 288, affirmed.

Appeal from the Circuit Court of the United States for the Northern District of Illinois.

In Equity. Bill by Adriance, Platt & Co. against the McCormick Harvesting Machine Company and Cyrus H. McCormick for infringement of certain patents. A temporary injunction was granted. Defendants appeal. Affirmed.

Robert H. Parkinson, for appellants.

Banning & Banning & Payson, for appellee.

Before JENKINS, Circuit Judge, and BAKER and BUNN, District Judges.

PER CURIAM. The decree of the circuit court is affirmed for the reasons stated in the opinion of the court below, reported in 55 Fed. Rep. 288.

WETZEL et al. v. MINNESOTA TRANSFER RY. CO. et al.

(Circuit Court, D. Minnesota, Third Division. August 24, 1893.)

EQUITY—LACHES — UNAUTHORIZED ASSIGNMENT OF MILITARY LAND WARRANT.
A soldier's widow received from the United States a land warrant, as provided by Act Feb. 11, 1847, § 9, (9 Stat. 125,) and was thereafter duly appointed guardian of her minor children, except one daughter, who was a married woman; and in that capacity and for herself, she attempted to assign such land warrant, being joined therein by the said married daughter, but she did not obtain any order of court, authorizing such assignment as was by law required. The consideration of the assignment was $100, to which sum she was entitled, by the terms of the act, instead of the warrant. The assignee located the warrant, duly obtained a patent, and the warrant was duly filed in Washington. The land increased in value to $1,000,000, and improvements were placed thereon to the value of $2,000,000. and more than 40 years elapsed from the date of the assignment. *Held*, that a court of equity would not entertain a suit by the assignor and her descendants to set aside the assignment as invalid, and to recover possession of the property, but should quiet respondents' title against such descendants. Felix v. Patrick, 12 Sup. Ct. Rep. 862, 145 U. S. 317, followed.

In Equity. Bill by Elizabeth Wetzel, Harriet A. Van Zant, Emma F. Hergesheimer, Maggie L. Beckman, John Wesley Remsen, George W. Remsen, Mary J. Remsen, Clara B. Remsen, and Mabel Remsen against the Minnesota Transfer Railway Company and others to recover possession of certain lands, and to have certain muniments of respondents' title declared void. Decree for respondents.

W. C. Mayne, Clapp, Bramhall & Taylor, and Lusk, Bunn & Hadley, for complainants.

Davis, Kellogg & Severance and C. H. Benedict, for defendants.

WILLIAMS, District Judge. This action concerns 160 acres of land, described in the complaint, situated in the corporate limits of the city of St. Paul, between that city and Minneapolis. Elizabeth Wetzel is alleged to be the widow of George W. Remsen, and the other complainants are their surviving children and grandchildren.

The bill states that George W. Remsen became, in his lifetime, entitled to a land warrant, as a soldier in the United States army, under the act of congress approved February 11, 1847. The United States duly issued a land warrant for 160 acres of land, in the name of Elizabeth Remsen, widow, Harriet A. Remsen, Mary Ann Remsen, John Wesley Remsen, Elizabeth Remsen, and George W. Remsen, children and heirs at law of the said George, which warrant entitled them, under section 9 of said act, to locate it on any quarter section of government land subject to private entry. That, when the warrant was issued and assigned, all the complainants but Elizabeth Remsen were under 14 years of age, except Harriet A., who was 17. That on or about October 6, 1848, the widow was duly appointed the guardian of the persons and estates of all the children except Harriet A., by the orphans' court of the city