

in order to be satisfied, might require somewhat stronger evidence than would suffice to prove the acknowledgment of an obligation, or the delivery of a chattel."

This case is cited approvingly by the supreme court of the United States in *Jones v. Simpson*, supra. And to the same effect are the following authorities: *Greer v. Caldwell*, 14 Ga. 207; *Bierer's Appeal*, 92 Pa. St. 265; *Babbitt v. Dotten*, 14 Fed. 19; *Lynn v. Railroad Co.*, 60 Md. 413; *Bigelow, Frauds*, pp. 123, 145; 2 *Rice, Ev.* p. 953; *Fick v. Mulholland*, (Wis.) 4 N. W. 528.

In *Bouvier's Law Dictionary* (14th Ed.) the term "satisfactory evidence" is defined to be "that evidence which is sufficient to produce a belief that the thing is true; in other words it is credible evidence." The *Century Dictionary* defines "satisfactory evidence or sufficient evidence" to be "such evidence as in amount is adequate to justify the court or jury in adopting the conclusion in support of which it is adduced." No better definition of these terms can be given, and it was in this sense, presumably, that the jury understood them.

A separate examination of the other exceptions is not necessary, as none of them is of any general importance. They have all been examined carefully, and we are satisfied that none of them has any merit.

Finding no error in the record, the judgment below is affirmed.

CRAMER v. SINGER MANUF'G CO. et al

(Circuit Court, N. D. California. November 27, 1893.)

CIRCUIT COURTS—JURISDICTION—FEDERAL QUESTION—CORPORATIONS.

When federal jurisdiction depends upon the subject-matter, as in patent suits, a corporation cannot be sued, under the act of 1888, § 1, outside the state of its incorporation, although it has branch offices in other states.

At Law. Action by Herman Cramer against the Singer Manufacturing Company and Willis D. Fry for infringement of a patent. Heard on separate demurrers to the complaint. Demurrer of Singer Company sustained, and that of Fry overruled.

John L. Boone, for plaintiff.

Wheaton, Kalloch & Kierce, for defendants.

McKENNA, Circuit Judge, (orally.) This is a complaint for an infringement of a patent. The defendant is alleged to be a corporation created under the laws of New Jersey, but having a branch establishment in San Francisco. The defendant company demurs for want of jurisdiction, in this: that jurisdiction of the case in this court is on account of subject-matter, not residence of parties, and the defendant therefore not liable to be sued outside of New Jersey. The demurrer of Fry was on the ground of misjoinder, in this: he is joined with the Singer Manufacturing Company, and over the latter this court has no jurisdiction. The first section of the act of 1888 provides:

"When jurisdiction in the circuit court depends upon the subject-matter of the action the defendant must be sued in the district of which he was an inhabitant. When it depends on diversity of citizenship alone the suit may be brought in the district of residence of either party."

This section is fully considered by the supreme court in *Shaw v. Mining Co.*, 145 U. S. 444, 12 Sup. Ct. 935, and it was held that, (I quote syllabus):

"Under the act of March 3, 1887, c. 373, § 1, corrected by the act of August 13, 1888, c. 866, a corporation incorporated in one state only cannot be compelled to answer, in a circuit court of the United States held in another state in which it has a usual place of business, to a civil suit at law or equity brought by a citizen of a different state."

See, also, to the same effect, *Southern Pac. Co. v. Denton*, 146 U. S. 202, 13 Sup. Ct. 44; also *Adriance Platt & Co. v. McCormick*, etc., *Mach. Co.*, 55 Fed. 288. In *Empire Coal & Transp. Co. v. Empire Coal & Min. Co.*, 14 Sup. Ct. 66, filed in the supreme court on the 6th of this month, the doctrine is again affirmed that a corporation is a citizen of the state in which it was incorporated.

The demurrer of the Singer Manufacturing Company is sustained: that of Fry is overruled.

BALTIMORE & O. R. CO. v. RAMBO.

(Circuit Court of Appeals, Sixth Circuit. November 6, 1893.)

No. 78.

1. OPINION EVIDENCE—TESTIMONY OF NONEXPERT—PHYSICAL CONDITION.

A nonprofessional witness, who has attended one suffering from personal injuries, and has had opportunity to observe his condition, may testify as to his apparent sufferings, and his expressions and acts in connection therewith.

2. SAME.

The conclusions of such a witness from facts which he observed are not incompetent where they are inferences from many minor details which could not be adequately presented to the jury except by the statement of such inference or opinion.

3. WITNESS—IMPEACHMENT—CONVICTION OF INFAMOUS CRIME.

In Ohio, in civil cases, though there is no express statutory provision concerning it, previous conviction of an infamous crime is relevant to impeach the credibility of a witness.

4. BEST AND SECONDARY EVIDENCE—CONVICTION OF CRIME.

The record of the indictment, trial, and judgment being the best evidence of a conviction for burglary, it is error to allow testimony of another that a witness pleaded guilty to such charge.

5. CARRIERS—INJURY TO PASSENGER—OPERATION OF LINE.

In an action by a passenger against a railroad company for personal injuries, where there is evidence tending to show the operation of the road by defendant at the time such injuries were sustained, defendant cannot escape liability by showing that its charter did not authorize it to operate such road, and that the ticket held by the passenger provided that defendant assumed no responsibility beyond its own line.

6. WITNESS—CONTRADICTING.

Where witnesses deny that they made statements that attempts had been made to bribe them, evidence to contradict such denials simply goes to the credibility of the witnesses, and is incompetent as substantive evidence tending to show the fact of such bribery.