

with the exception of this balance, which was overlooked and not paid by mistake. The masters allowed the claim, and gave it priority to the mortgage debt. On exception to the law as laid down by the masters, the court sustained the report. This is assigned as error.

Willis B. Smith and Henry Crawford, for appellant.  
Wyndham R. Meredith, for appellees.

Before SIMONTON, Circuit Judge, and HUGHES and MORRIS, District Judges.

SIMONTON, Circuit Judge. There can be no question in this case. The decree of the circuit court is affirmed, with costs.

MORRIS, District Judge. I dissent on the question of the allowance of interest on the claim in this case.

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WASHBURN v. PULLMAN'S PALACE-CAR CO.

(Circuit Court of Appeals, First Circuit. September 16, 1896.)

No. 138.

PULLMAN'S PALACE-CAR CO. v. WASHBURN, 66 FED. 790, AFFIRMED.

ERROR to the Circuit Court of the United States for the District of Massachusetts.

This was a writ of scire facias sued out by the Pullman's Palace-Car Company against Frank L. Washburn to enforce against him a liability for costs as indorser of the writ in an action brought against the Pullman's Palace-Car Company by one Maggie M. Harrison, in which judgment had been rendered against the plaintiff for \$813.94 costs. The circuit court gave judgment. See 66 Fed. 790, where the opinion there rendered will be found in full. The defendant brought error.

Freedom Hutchison, for plaintiff in error.  
Benj. N. Johnson, for defendant in error.

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

PER CURIAM. In this case we agree with the reasoning in the opinion, and with the conclusion reached by the circuit court. The judgment of the circuit court is affirmed.

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HENDERSON v. UNION TRUST CO. OF PHILADELPHIA. AMERICAN LOAN & TRUST CO. v. SAME. THOMSON-HOUSTON ELECTRIC CO. v. SAME. (Circuit Court of Appeals, Sixth Circuit. May 12, 1896.) Nos. 363-365. Appeal from the Circuit Court of the United States for the Eastern District of Tennessee. Morse & Lane and Tully R. Cornick, for appellants. Wheeler & McDermott and Webb & McClung, for appellee. No opinion. Dismissed under rule 23, for failure to print the records.

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DIETZ et al. v. SCHAAF. (Circuit Court of Appeals, Sixth Circuit. April 12, 1896.) No. 412. Appeal from the Circuit Court of the United States for the Southern District of Ohio. James N. Ramsey, for appellants. Edward C. Remeelin, for appellee. No opinion. Decree affirmed.

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FLINT & P. M. R. CO. v. MARINE INS. CO., Limited, of LONDON, ENG. (Circuit Court of Appeals, Sixth Circuit. January 8, 1896.) No. 383. Error from the Circuit Court of the United States for the Eastern District of Michigan. Brennan, Donnelly & Van De Mark, for plaintiff in error. F. H. & G. L. Canfield, for defendant in error. No opinion. Dismissed upon the motion and at the cost of plaintiff in error.

**FROST et al. v. BANK OF FORDYOE.** (Circuit Court of Appeals, Sixth Circuit. May 29, 1896.) No. 411. Error from the Circuit Court of the United States for the Eastern District of Michigan. Shepherd & Frierson, for plaintiffs in error. Elder & Milligan, for defendant in error. No opinion. Decree affirmed.

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**HOWARD v. JAMES, Warden of Penitentiary.** (Circuit Court of Appeals, Sixth Circuit. February 4, 1896.) No. 338. Appeal from the Circuit Court of the United States for the Southern District of Ohio. L. T. M. Canada, for appellant. Harlan Cleveland, U. S. Atty., for appellee. No opinion. Decree affirmed.

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**SONNENTHEIL v. CHRISTIAN MOERLEIN BREWING CO. et al.** (Circuit Court of Appeals, Fifth Circuit. November 24, 1896.) No. 472. Error to the Circuit Court of the United States for the Eastern District of Texas. Before PARDEE and McCORMICK, Circuit Judges, and SPEER, District Judge.

PER CURIAM. This case was heard at the last term, and the judgment of the circuit court affirmed. 75 Fed. 350. Before mandate issued, leave was given to file a petition for rehearing by the first day of this term. Such petition having been filed and considered, it is now ordered that the rehearing prayed for be, and the same is, denied.

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**Ex parte STIRLING CO. et al.** (Circuit Court of Appeals, Sixth Circuit. June 15, 1896.) No. 435. Petition for Mandamus from the Northern District of Ohio. Henry W. Blodgett, Ephraim Banning, and Thomas Banning, for petitioner. Bakewell & Bakewell, for respondent. No opinion. Denied.

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**UNITED STATES ex rel. BISSELL CARPET-SWEEPER CO. v. SEV-ERENS.** (Circuit Court of Appeals, Sixth Circuit. February 13, 1896.) No. 403. Petition for Mandamus from the Western District of Michigan. Taggart, Knappen & Denison, for petitioner. J. W. Champlin, for respondent. No opinion. Denied.

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**ADAMS & WESTLAKE CO. v. LEDIG MANUF'G CO.** (Circuit Court, E. D. Pennsylvania. November 23, 1896.) Francis T. Chambers and James H. Raymond, for complainant. M. J. O'Callaghan, for defendant.

DALLAS, Circuit Judge. This is a suit in equity for infringement of patent No. 481,261, dated August 23, 1892, for "latch and lock combined." The claims alleged to have been infringed are as follows: "(1) The combination, in a door-latch, of plates adapted to be secured to the opposite sides of the door, hollow spindles journaled in each of said plates, and provided with lugs on their inner ends, and with knobs secured to their outer ends, whereby they are secured in said plates independent of each other, a square spindle connecting said hollow spindles, and latch-operating devices connected to said spindles, substantially as described." "(3) The combination, in a door-latch having the operating mechanism and the latch proper in separate cases, of a latch-rod connecting the latch and operating mechanism, and having a head, C, to which it is adjustably connected by a screw, a yoke adapted to receive the inner end of the latch-rod, and a fastening connecting said latch-rod and yoke, which prevents the turning of said rod, substantially as and for the purpose specified." The cause having been regularly set down, came on for final hearing upon November 9, 1896. It was then heard upon oral argument by the counsel for complainant, who also submitted a printed brief. The plaintiff's prima facie proofs had been duly taken and closed. No evidence had been adduced on behalf of the defendants, and the time allowed them for that purpose had expired. Neither they nor counsel