

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.

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.

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.

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.

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.

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

on their behalf were present at the hearing. I have considered the case, therefore, at some disadvantage, but of necessity, as the plaintiff is entitled to have it decided; and I have reached the conclusion that the usual decree in its favor should be entered. Such decree may be prepared and submitted, but must recite, in substance, that the cause had been heard only upon the argument of plaintiff's counsel, and without any evidence having been offered or arguments presented on behalf of the defendants. Decree accordingly.

KINSEY v. LEDIG MANUF'G CO. et al. (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. 329,718, dated November 3, 1885, for improvements in lamps. The claim in question is as follows: "(3) The ring or support, E', having the standard, f', and posts or pins, e, combined with the plate-spring, E, formed in two sections, the moving block, F, screw, f, thumb-nut, h, and sleeve, h', one end of each section of the plate-spring being secured to a post, e, and the other end to the moving block, F, substantially as set forth." The parties and patents in the two suits are not the same, but the circumstances under which the suit of Adams & Westlake Co. against this defendant was heard are the same as in this case. Therefore the memorandum this day filed in that suit (76 Fed. 1006) regarding the character of the hearing and form of decree is, without repeating its terms, applied also to this one. Subject to the suggestion of that memorandum, there will be a decree for complainant. The complainant's motion for leave to dismiss his bill as against the individual defendant Trautman is granted.

SHINKLE, WILSON & KREIS CO. v. LOUISVILLE & N. R. CO. et al. (Circuit Court, S. D. Ohio, W. D. October 8, 1896.)

SAGE, District Judge. This case involves precisely the questions and considerations disposed of in *Interstate Commerce Commission v. Cincinnati, N. O. & T. P. Ry. Co.*, 76 Fed. 183, and the decree will be in accordance with the opinion in that case.

END OF CASES IN VOL. 76