

**FARMERS' LOAN & TRUST CO. v. CHICAGO & N. P. R. CO.** Appeal of **DAENELL**. (Circuit Court of Appeals, Seventh Circuit. January 5, 1897.) No. 232. Appeal from the Circuit Court of the United States for the Northern District of Illinois. William Burry and Clark Varnum, for appellant. George P. Miller and F. H. Wichet, for appellee. Dismissed by consent. See 61 Fed. 543; 68 Fed. 412; 19 C. C. A. 477, 73 Fed. 314.

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**FLANDRAU et al. v. MASSACHUSETTS LOAN & TRUST CO.** (Circuit Court of Appeals, Seventh Circuit. January 5, 1897.) No. 309. Appeal from the Circuit Court of the United States for the Western District of Wisconsin. F. W. Cutcheon, for appellant. Dismissed on stipulation.

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**GORHAM MFG. CO. v. WATSON & NEWELL CO.** (Circuit Court of Appeals, First Circuit. October 14, 1896.) No. 188. Appeal from the Circuit Court of the United States for the District of Massachusetts. William A. Jenner, for appellant. Charles E. Mitchell, for appellee. Dismissed, pursuant to the fifth section of the twenty-second rule, for failure to argue. See 74 Fed. 418.

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**GREENE v. SOCIETE ANONYME DES MATERIEVES COLORANTES ET PRODUITS CHEMEQUES DE ST. DENIS.** (Circuit Court of Appeals, First Circuit. January 27, 1898.) No. 221. Appeal from the Circuit Court of the United States for the District of Rhode Island. For opinion of circuit court, see 81 Fed. 64. Richard B. Comstock, Rathbone Gardner, H. G. Hull, and B. N. Lapham, Jr., for appellant. Edmund Wetmore, W. A. Jenner, W. H. Thurston, and L. E. Sexton, for appellee. Before PUTNAM, Circuit Judge, and ALDRICH and LOWELL, District Judges, by whom the following decree was entered: Dismissed, without costs, by agreement on file. Mandate to issue forthwith.

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**HAMLIN v. CONTINENTAL TRUST CO. OF CITY OF NEW YORK.** (Circuit Court of Appeals, Sixth Circuit. July 7, 1896.) No. 430. Appeal from the Circuit Court of the United States for the Western Division of the Northern District of Ohio. Benjamin Harrison and John H. Doyle, for appellants. Willard Parker Butler, for appellees. No opinion. Motion by appellants to advance the cause, and motion by appellees to dismiss the appeal and for a writ of certiorari for diminution of the record, denied. See 72 Fed. 92; 24 C. C. A. 271, 78 Fed. 664.

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#### **HEAP v. TREMONT & SUFFOLK MILLS.**

(Circuit Court of Appeals, First Circuit. January 28, 1898.)

No. 205.

#### **PATENTS—INFRINGEMENT—NOVELTY AND INVENTION.**

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

This was a suit in equity by Charles Heap against the Tremont & Suffolk Mills for alleged infringement of letters patent No. 377,151, issued January 31, 1888, to Henry Nicholas Groselin, fils, for a machine for napping cloth. The circuit court dismissed the bill on the merits (75 Fed. 406), and the complainant appealed. This court heretofore reversed the decree (82 Fed. 449), but subsequently granted a rehearing on a particular point, as indicated in the opinion below.

Dickerson & Brown, for complainant.

Wm. A. Macleod (Edmund Wetmore, of counsel), for respondent.

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

**PER CURIAM.** This appeal was fully heard by the court, and on August 21, 1897, a judgment was entered as follows: "The decree of the circuit court is reversed, with costs, and the case remanded to that court, with directions to enter a decree for an accounting, but to deny an injunction, on the ground that the patent expired after the appeal was taken." Subsequently, the appellant filed a petition for a rehearing under rule 29 (21 C. C. A. cxxv., 78 Fed. cxxv.), on consideration of which the court entered the following order: "Ordered that the petition for rehearing filed by the complainant be so far allowed that the cause be reargued orally as to the effect, in all respects, of the French patent, dated February 16, 1881, No. 141,170, including its effect on the various claims of the patent in suit, and on infringing machines antedating the alleged expiration of said French patent." This order, of course, vacated the judgment; but, having fully heard the parties in accordance therewith, we are all of the opinion that the judgment was correct. Ordered, the judgment of August 21, 1897, is renewed, and a mandate in accordance therewith will issue forthwith.

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**HIGHLAND AVE. & B. R. CO. v. COLUMBIAN EQUIPMENT CO.** (Circuit Court of Appeals, Fifth Circuit.) No. 427. Questions of law certified to the supreme court of the United States. See 74 Fed. 920; 18 Sup. Ct. 240.

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**HOPKINS et al. v. UNITED STATES.** (Circuit Court of Appeals, Eighth Circuit. December 27, 1897.) No. 1,002. Appeal from the Circuit Court of the United States for the District of Kansas. Questions certified to the supreme court, on December 8, 1897, under the provisions of section 6 of the act of March 3, 1891. Cause removed to the supreme court on writ of certiorari. See 82 Fed. 529.

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**HUNT v. ARCHIBALD et al.** (Circuit Court of Appeals, First Circuit. February 11, 1898.) No. 232. Appeal from the Circuit Court of the United States for the District of Massachusetts. James E. Maynadier, for appellant. George O. G. Coale, for appellees. Before PUTNAM, Circuit Judge, and WEBB and ALDRICH, District Judges.

**PER CURIAM.** We agree with the conclusions of the circuit court, for the reasons stated in the opinion filed in that court. The decree of the circuit court is affirmed, with the costs of this court for the appellees. See 81 Fed. 385.

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**INDIANAPOLIS AIR-LINE RY. CO. et al. v. CEDAR CREEK & WEST CREEK TP.** (Circuit Court of Appeals, Seventh Circuit. December 9, 1896.) No. 369. Appeal from the Circuit Court of the United States for the District of Indiana. A. C. Harris, for appellant. Henry Crawford and E. C. Field, for appellee. Dismissed, for failure to file record.

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**LAKE NAT. BANK v. WOLFEBOROUGH SAV. BANK et al.** (Circuit Court of Appeals, First Circuit. April 15, 1896.) No. 176. Appeal from the Circuit Court of the United States for the District of New Hampshire. Reuben E. Walker and Hollis R. Bailey, for appellant. Heman W. Chapin, J. S. H. Frink, and John R. Poor, for appellees. No opinion. Motion challenging authority of the attorneys for the appellant to appear was denied, after argument. See 24 C. C. A. 195, 78 Fed. 517.