CENTAUR CO. v. REINECKE. (Circuit Court of Appeals, Fifth Circuit. December 13, 1898.) No. 759. Appeal from the Circuit Court of the United States for the Northern District of Texas. Suit by the Centaur Company against A. F. Reinecke for unfair competition in trade, and to enjoin the use of an alleged infringing label. An application for a preliminary injunction was denied, and plaintiff appeals. Centaur Co. v. Neathery, 91 Fed. 891, followed. Edmund Wetmore and De Edward Greer, for appellant. F. C. Dillard, for appellee. Before PARDEE, Circuit Judge, and SWAYNE and PARLANGE, District Judges.

SWAYNE, District Judge. The answers in this cause, and in the one against J. M. Neathery in the circuit court of the United States for the Eastern district of Texas, show that the said Reinecke and Neathery were at the time of the filing of the bills in the respective cases engaged in the manufacture of Castoria; that they were partners in said business, and jointly interested therein. The case made by the bill, answer, and exhibits was identical with that of Centaur Co. v. Neathery, 91 Fed. 891. The two causes were argued and submitted together, and the decision of the court in that case will control in this. The ruling of the circuit court of the United States for the Northern district of Texas herein is reversed, and the said court is directed to issue a preliminary injunction as prayed.

CENTRAL APPALACHIAN CO. et al. v. BUCHANAN. CORPORATION TRUST CO. v. SAME. (Circuit Court of Appeals, Sixth Circuit. January 3, 1899.) No. 587. Petition for modification of decree denied. See 90 Fed. 454.

CHICAGO BRIDGE & IRON CO. v. NELSON. (Circuit Court of Appeals, Eighth Circuit. January 27, 1899.) No. 1,158. In Error to the Circuit Court of the United States for the District of Minnesota. C. K. Davis, Frank B. Kellogg, and C. A. Severance, for plaintiff in error. Dismissed, without costs to either party in this court, per stipulation of parties.

CITY OF LITTLE ROCK v. HUMES. (Circuit Court of Appeals, Eighth Circuit. January 28, 1899.) No. 1,191. Appeal from the Circuit Court of the United States for the Eastern District of Arkansas. F. L. McCain, W. J. Terry, W. S. McCain, and Jacob Trieber, for appellant. U. M. Rose. W. E. Hemingway, and G. B. Rose, for appellee. Dismissed, with costs, for want of jurisdiction.

CITY OF LINCOLN, LANCASTER COUNTY, NEB., v. BLADO. (Circuit Court of Appeals, Eighth Circuit. December 14, 1898.) No. 1,082. In Error to the Circuit Court of the United States for the District of Nebraska. Joseph R. Webster, for plaintiff in error. J. W. Deweese and F. A. Bishop, for defendant in error. No opinion. Affirmed, with costs.

DOIG v. MORGAN MACH. CO. (Circuit Court of Appeals, Second Circuit. January 5, 1899.) No. 116. Appeal from the Circuit Court of the United States for the Northern District of New York. For opinion of circuit court, see 89 Fed. 489. F. F. Church and Melville Church, for appellant. W. W. Hoover, for appellee. Before WALLACE, LACOMBE, and SHIPMAN, Circuit Judges.

PER CURIAM. In view of the state of the prior art as disclosed in the present record, it is not improbable that the defendant may succeed at final hearing in establishing the defenses upon which it relies to the two claims in

controversy of the complainant's patent. But we are of the opinion that the
further evidence is not so cogent that the questions presented should be deter-
mined adversely to the complainant upon affidavits, with the result of depriving
the complainant, upon a motion for a preliminary injunction, of the benefit of
a prior adjudication in his favor after a strenuously contested litigation. The
order is affirmed.

HARRISON NAT. BANK v. STERNE. (Circuit Court of Appeals, Eighth
Circuit. January 27, 1899.) No. 1,098. In Error to the Circuit Court of the
United States for the District of Kansas. Lewis A. Stebbins and Clinton J.
Evans, for plaintiff in error. A. B. Quinton and E. S. Quinton, for defendant in
error. Dismissed, with costs, as per stipulation.

HEISING v. ATWATER. (Circuit Court of Appeals, Eighth Circuit. Jan-
uary 3, 1899.) No. 1,112. In Error to the Circuit Court of the United States
for the District of Minnesota. William E. Hale and Charles A. Willard, for
plaintiff in error. Edwin C. Garrigues, for defendant in error. Dismissed.
without costs to either party in this court, per stipulation of parties.

HEISING v. ATWATER. (Circuit Court of Appeals, Eighth Circuit. Jan-
uary 3, 1899.) No. 1,113. In Error to the Circuit Court of the United States
for the District of Minnesota. William E. Hale and Charles Willard, for plain-
tiff in error. Edwin C. Garrigues, for defendant in error. Dismissed, without
costs to either party in this court, per stipulation of parties.

INTERSTATE LOAN & TRUST CO. v. CRISSEY. (Circuit Court of Ap-
peals, Eighth Circuit. January 18, 1899.) No. 1,189. In Error to the Circuit
Court of the United States for the District of Kansas. T. A. Hurd, for plaintiff
in error. Lewis A. Stebbins and Clinton J. Evans, for defendant in error.
Dismissed, with costs, on motion of defendant in error, for failure of plaintiff
in error to file briefs, pursuant to the twenty-fourth rule.

KILBOURNE v. BROWN. (Circuit Court of Appeals, Ninth Circuit. Feb-
ruary 18, 1898.) No. 417. In Error to the Circuit Court of the United States
for the District of Washington. John F. Dore and Humes & Lysons, for plain-
tiff in error. L. C. Gilman, for defendant in error. No opinion. Dismissed
for failure to print record, pursuant to the twenty-third rule.

LEITH v. THIRD NAT. BANK OF CHICAGO. (Circuit Court of Appeals,
Seventh Circuit. May 2, 1898.) No. 379. In Error to the Circuit Court of the
United States for the Northern District of Illinois. Norman Williams, Charles
S. Holt, and Arthur D. Wheeler, for plaintiff in error. George L. Paddock and
A. M. Pence, for defendant in error. Dismissed by agreement of counsel.

McHENRY et al. v. ALFORD et al. (Circuit Court of Appeals, Eighth Circuit.
January 30, 1899.) No. 748. Appeal from the Circuit Court of the United
States for the District of North Dakota. James B. Kerr, for appellants. Edgar