

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 determined 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. January 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. January 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 plaintiff 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 Appeals, 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. February 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 plaintiff 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

W. Camp, for appellees. No opinion. Reversed, with costs, and cause remanded, with directions to enter a decree in accordance with the prayer of the bill of complaint.

MANSUR & TEBBETTS IMPLEMENT CO. et al. v. CAREY et al. (Circuit Court of Appeals, Eighth Circuit. January 4, 1899.) No. 1,101. In Error to the Circuit Court of the United States for the Indian Territory. Seneca N. Taylor, for plaintiffs in error. A. C. Cruce, for defendants in error. Dismissed, with costs, on motion of the plaintiffs in error.

THE MEXICAN PRINCE. (Circuit Court of Appeals, Second Circuit. January 25, 1899.) No. 21. Appeal from the District Court of the United States for the Southern District of New York. Lawrence Kneeland and E. L. Baylies, for appellant. J. Parker Kirlin, for appellee. Before WALLACE, LACOMBE, and SHIPMAN, Circuit Judges.

PER CURIAM. Decree affirmed, with costs, upon opinion of the court below. 82 Fed. 484.

NOBLE et al. v. WORTHY et al. (Circuit Court of Appeals, Eighth Circuit. December 14, 1898.) No. 1,076. In Error to the Circuit Court of the United States for the Indian Territory. C. L. Herbert and Yancy Lewis, for plaintiffs in error. A. C. Cruce, for defendants in error. No opinion. Dismissed at costs of plaintiffs in error, as per stipulation of the parties.

OMAHA & R. V. RY. CO. et al. v. VANDECAR. (Circuit Court of Appeals, Eighth Circuit. January 3, 1899.) No. 1,174. In Error to the Circuit Court of the United States for the District of Nebraska. W. R. Kelly and John N. Baldwin, for plaintiffs in error. E. Wakeley and A. C. Wakeley, for defendant in error. Dismissed, without costs to either party in this court, per stipulation, and mandate waived.

PRESIDENT & DIRECTORS OF INSURANCE CO. OF NORTH AMERICA v. PARKER et al. (Circuit Court of Appeals, Eighth Circuit. January 25, 1899.) No. 1,093. Appeal from the Circuit Court of the United States for the District of Nebraska. S. L. Geisthardt, for appellant. Lionel C. Burr and Charles L. Burr, for appellees. Dismissed, with costs, for want of jurisdiction.

ROBERTSON v. EDELHOFF et al. (Circuit Court of Appeals, Second Circuit. January 5, 1899.) No. 9. In Error to the Circuit Court of the United States for the Southern District of New York. Henry B. Platt, for plaintiff in error. Lyman Tremain, for defendants in error. Before WALLACE, LACOMBE, and SHIPMAN, Circuit Judges.

PER CURIAM. This cause comes here on writ of error to review a judgment of the circuit court, Southern district of New York, entered in favor of defendants in error (plaintiffs below) upon the verdict of a jury directed by the court. The points presented are the same as in Robertson v. Edelhoff (in which opinion is filed to-day) 91 Fed. 642. The goods are silk and cotton trimmings, silk chief value, cotton over 25 per cent. in value, used for making or ornamenting hats. It is contended that protest was not sufficiently proved, for the reason that the document is signed, "Edelhoff &