

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.

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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.

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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.

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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.

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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.

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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.

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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 &

Rinke, by Tremain & Tyler, Attorneys," and no proof was offered of any authority given to Tremain & Tyler to make such protest. It would seem as if the subsequent prosecution of this action might be taken as a ratification, but the point need not be discussed here, since it was not raised on the trial by specific objection. The judgment of the circuit court is affirmed.

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**ROBERTSON v. FLEITMAN et al.** (Circuit Court of Appeals, Second Circuit, January 5, 1899.) No. 6. 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.** The facts and the questions presented are substantially the same as in *Robertson v. Edelhoff* (decided herewith) 91 Fed. 642. The plaintiff in error further contends in this case that, as to four importations, the duty was not paid to get possession of the goods. As this point was not raised below, and is not included in the assignment of errors, it cannot be considered here. Judgment affirmed.

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**ROWLETT v. ANDERSON.** (Circuit Court of Appeals, Seventh Circuit, December 1, 1897.) No. 403. Appeal from the Circuit Court of the United States for the District of Indiana. V. H. Lockwood, for appellant, Chester Bradford, for appellee. Dismissed, pursuant to the twenty-fourth rule, for failure of appellant to file brief. See 76 Fed. 827.

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**SAXLEHNER v. NEILSEN.**

(Circuit Court of Appeals, Second Circuit, January 5, 1899.)

No. 85.

**TRADE-MARKS AND TRADE-NAMES.**

Appeal from the Circuit Court of the United States for the Southern District of New York.

Cross Appeals from a Decree of the Circuit Court, Southern District of New York. 88 Fed. 71.

Antonio Knauth, for complainant.

Louis C. Raegener, for defendant.

Before WALLACE and LACOMBE, Circuit Judges.

**PER CURIAM.** The questions raised in this cause are substantially the same as in *Saxlehner v. Eisner* (decided herewith) 91 Fed. 536. The circuit court held that complainant had no exclusive right in this country to the name "Hunyadi," in which conclusion we concur. The circuit court further granted an injunction against continued use of the red and blue labels, and an accounting for past infringements by the use of such labels. For reasons stated in the *Eisner* Case, the decree as to the labels is reversed, and cause remitted, with instructions to dismiss the bill, with costs of this appeal.

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**SILVER KING MIN. CO. v. HERKIMER.** (Circuit Court of Appeals, Eighth Circuit, January 12, 1899.) No. 1,108. In Error to the Circuit Court of the United States for the District of Utah. W. H. Dickson and P. L. Williams, for plaintiff in error. James H. Moyle, John M. Zane, and George P. Costigan, Jr., for defendant in error. Dismissed, with costs, per stipulation of parties.