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.

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.

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.

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.

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.

UNITED STATES v. STAPLETON (seventeen other cases). (Circuit Court of Appeals, Fifth Circuit. January 3, 1899.) Nos. 702–719. Errors to the District Court of the United States for the Southern Division of the Northern District of Alabama. These were suits brought against the United States to recover compensation for extra time over eight hours per day served by plaintiffs as letter carriers. There was a judgment for plaintiff in each case, and the United States brings error. The suits were 18 in number, and brought by the following named plaintiffs: George W. Stapleton, Matthew L. Fowlks, Thomas M. Edwards, John T. Dillon, Charles A. Merritt, Charles W. Burney, Walter E. Douglass, Emanuel J. Lowenstein, Charles A. Buff, William C. Cunningham, Charles W. Lowry, Hampton S. Jones, Rufus C. Smith, George S. Martin, James D. Bell, Benjamin J. Puckett, Richard H. English, and Alfred B. Jackson. Before PARDEE, Circuit Judge, and SWAYNE and PARLANGE, District Judges.

PARDEE, Circuit Judge. These cases are similar in all respects to U. S. v. McCrory (just decided) 91 Fed. 295. For the reasons therein given, the writs of error in the above-entitled cases are abated; no mandate to issue, but the clerk may certify judgment.

UNITED STATES v. STODDARD, HASERICK, RICHARDS & CO. (Circuit Court of Appeals, First Circuit. January 11, 1899.) No. 267. Appeal from the Circuit Court of the United States for the District of Massachusetts. Boyd B. Jones, U. S. Atty., and Albert H. Washburn, Asst. U. S. Atty. Josiah P. Tucker (William Odlin, on the brief), for appellees. Before PUTNAM, Circuit Judge, and WEBB and ALDRICH, District Judges.

PER CURIAM. We are fully satisfied with the conclusions of the circuit court (89 Fed. 699) with reference to the case at bar, and see no occasion to add anything to the opinion given by the learned judge in that court in support of those conclusions. The decree of the circuit court is affirmed.

UNITED STATES v. SUTHON.

(Circuit Court of Appeals, Fifth Circuit. February 7, 1899.)

No. 732.

SUGAR BOUNTY—CONSTRUCTION OF STATUTE—PRODUCER OF SUGAR.

In Error to the Circuit Court of the United States for the Eastern District of Louisiana.

J. Ward Gurley, for plaintiff in error.
E. H. Farrar, for defendant in error.

Before PARDEE, Circuit Judge, and BOARMAN and SWAYNE, District Judges.

PER CURIAM. These cases were before this court at a former term on a plea of no cause of action filed by the United States. It was then held that the petitions were good in law, and, if the facts alleged were proven, the plaintiff was entitled to judgment (Suthon v. U. S., 26 C. C. A. 628, 81 Fed. 810), and they are now before us on writs of error taken by the United States from judgments below rendered on the facts. They are submitted, without argument, on the suggestion that, if the court adheres to the same views expressed on the former hearing, the judgments of the court below should be affirmed. On consideration, we think Suthon v. U. S., supra, was correctly ruled, and the judgments of the circuit court are affirmed.

VANDECAR v. CLARK et al. (Circuit Court of Appeals, Eighth Circuit. January 3, 1899.) No. 1,175. In Error to the Circuit Court of the United