

from the Circuit Court of the United States for the Northern District of Alabama. Alex. T. London, for appellant. John F. Martin, for appellee. Questions certified to supreme court June 16, 1897. 28 C. C. A. 683, 84 Fed. 1018. The mandate (18 Sup. Ct. 240) in answer to questions was filed here on February 5, 1898, and the appeal was dismissed, on motion of appellant.

THE JANE GRAY. (Circuit Court of Appeals, Ninth Circuit. February 28, 1899.) No. 522. Appeal from the District Court of the United States for the Northern District of California. Marshall B. Woodworth, Asst. U. S. Atty. Dismissed on motion of Marshall B. Woodworth, Asst. U. S. Atty., under subdivision 1 of sixteenth rule.

JOHNS HOPKINS UNIVERSITY v. BALTIMORE & O. R. CO. et al. (Circuit Court of Appeals, Fourth Circuit. December 1, 1898.) No. 252. Appeal from the Circuit Court of the United States for the District of Maryland. Bernard Carter, Arthur Geo. Brown, John J. Donaldson, and Geo. Gray, for appellant. John G. Johnson, William A. Fisher, and E. J. D. Cross, for appellees. Appeal dismissed, by agreement of counsel.

JOHNSON et al. v. FOLEY. (Circuit Court of Appeals, Eighth Circuit. February 13, 1899.) No. 1,170. W. S. Morris and Tyson S. Dines, for plaintiffs in error. George A. Smith, for defendant in error. Dismissed, with costs, pursuant to stipulation of the parties.

LOBDELL, FARWELL & CO. v. LEAHY. (Circuit Court of Appeals, Sixth Circuit. March 31, 1899.) No. 667. In Error to the Circuit Court of the United States for the Western District of Michigan. Smiley, Smith & Stevens and Thomas C. Clark, for plaintiff in error. Smith, Nymms, Hoyt & Erwin and James E. Munroe, for defendant in error. No opinion. Affirmed, with costs.

LOUISVILLE PUBLIC WAREHOUSE CO. v. UNITED STATES. (Circuit Court of Appeals, Sixth Circuit. March 27, 1899.) No. 655. Appeal from the Circuit Court of the United States for the District of Kentucky. Helm, Bruce & Helm, for appellant. R. D. Hill, U. S. Atty. No opinion. Affirmed, with costs.

LOUISVILLE & N. R. CO. v. DUDLEY. (Circuit Court of Appeals, Sixth Circuit. March 31, 1899.) No. 705. In Error to the Circuit Court of the United States for the Middle District of Tennessee. Smith & Maddin, for plaintiff in error. Steger, Washington & Jackson and John Carruthers, for defendant in error. Dismissed, for failure to print record, pursuant to twenty-third rule.

MARTIN v. UNITED STATES. (Circuit Court of Appeals, Eighth Circuit. February 6, 1899.) No. 1,168. In Error to the United States Court of Appeals in the Indian Territory. C. B. Stuart, Yancey Lewis, W. T. Hutchings, Preston C. West, J. H. Gordon, and S. M. Rutherford, for plaintiff in error. Pliny L. Soper, for defendant in error. Dismissed, without costs to either party, per stipulation of counsel.

MOSES v. HAMBURG-AMERICAN PACKET CO. et al. (two cases). (Circuit Court of Appeals, Second Circuit. March 10, 1899.) Nos. 127, 128. Appeals from the District Court of the United States for the Southern District of New York. De Lagnel Berier, for appellant. Before WALLACE, LACOMBE, and SHIPMAN, Circuit Judges. No opinion. Decree affirmed.

THE NEW YORK. (Circuit Court of Appeals, Second Circuit. March 1, 1899.) No. 50. Appeal from the District Court of the United States for the Southern District of New York. William Carpenter, for appellant. H. Galbraith Ward, for appellee. Before WALLACE, LACOMBE, and SHIPMAN, Circuit Judges. No opinion. Decree affirmed, with costs, upon opinion of court below. 88 Fed. 556.

NORTHERN PAC. R. CO. v. AMACKER et al. (Circuit Court of Appeals, Ninth Circuit. February 7, 1898.) No. 386. In Error to the Circuit Court of the United States for the District of Montana. F. M. Dudley and Wm. Wallace, Jr., for plaintiff in error. Before GILBERT, ROSS, and MORROW, Circuit Judges.

PER CURIAM. This case has once before been before this court, and is reported in 7 C. C. A. 518, 58 Fed. 850, where the judgment of the lower court was reversed, and the cause remanded for a new trial. The record in the present case shows the facts to be substantially the same as those appearing on the former hearing, and the judgment below, being in accordance with the ruling of this court when the case was then here, must be affirmed. The former decision has become the law of the case. Judgment affirmed.

THE OREGON. THE ROSEDALE. In re BROOKLYN & N. Y. FERRY CO. In re BRIDGEPORT STEAMBOAT CO. (Circuit Court of Appeals, Second Circuit. March 3, 1899.) Nos. 120, 121. Appeals from the District Court of the United States for the Southern District of New York. George B. Adams, for appellant Brooklyn & N. Y. Ferry Co., Samuel Park, for appellant Bridgeport Steamboat Co. Dudley R. Horton, for appellee Hourwich. Before WALLACE, LACOMBE, and SHIPMAN, Circuit Judges. No opinion. Affirmed, on opinion of court below. 88 Fed. 324.

PECK, STOW & WILCOX CO. v. FRAY et al.

(Circuit Court of Appeals, Second Circuit. November 15, 1898.)

PATENTS—INJUNCTION.

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

This cause comes here upon appeal from a preliminary order of injunction made by the circuit court, district of Connecticut. The patent is No. 293,957 (February 19, 1884, to Robert E. Ellrich), for an improved pawl and ratchet, the claims declared upon being Nos. 2 and 3.

A. M. Wooster, for appellants.

W. E. Simonds, for appellee.

Before WALLACE and LACOMBE, Circuit Judges.

PER CURIAM. It would seem that the patent, if sustainable at all, must be construed as an extremely narrow one. Manifestly, defendant's device is not a Chinese copy of complainant's, and appellant has introduced sufficient evidence of the prior art, as disclosed in patents, to overcome the presumption