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 8, 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

arising from the issuance of the patent,—at least, if it be construed so broadly as to cover defendant's device, which can be done only by a liberal application of the doctrine of equivalents. The patent has never been adjudicated, and its construction upon ex parte papers is too doubtful to warrant the issue of a preliminary injunction. The order for preliminary injunction (88 Fed. 784) is reversed, with costs of this appeal.

PERSON v. STANDARD LIFE & ACCIDENT INS. CO. (Circuit Court of Appeals, Sixth Circuit. March 31, 1899.) No. 632. In Error to the Circuit Court of the United States for the Western District of Tennessee. H. C. Warinner, for plaintiff in error. John R. Flippin, for defendant in error. Before TAFT and LURTON, Circuit Judges, and THOMPSON, District Judge.

THOMPSON, District Judge. This case was argued and submitted with the case of Person v. Casualty Co., 92 Fed. 965, and raises the same questions, upon the same state of facts; and the judgment rendered therein will be reversed, for the reasons stated in the opinion delivered in the latter case, and remanded for further proceedings consistent with that opinion. It is so ordered.

PONG TOY GUEN v. UNITED STATES. (Circuit Court of Appeals, Ninth Circuit. February 23, 1899.) No. 464. Appeal from the District Court of the United States for the Northern District of California. Henry C. Dibble, for appellant. H. S. Foote, U. S. Atty. Dismissed, on motion of Edward J. Banning, Asst. U. S. Atty., under subdivision 5 of the twenty-fourth rule.

PROVIDENT SAVINGS LIFE ASSUR. SOC. OF NEW YORK v. CALKINS. (Circuit Court of Appeals, Ninth Circuit. February 16, 1899.) No. 483. In Error to the Circuit Court of the United States for the Western Division of the District of Washington. Walker & Fitch, for plaintiff in error. Stanton Warburton and John A. Shackleford, for defendant in error. Dismissed, without costs to either party, per stipulation.

SOUTHERN INDIANA EXP. CO. v. UNITED STATES EXP. CO. et al.

(Circuit Court of Appeals, Seventh Circuit. March 28, 1899.)

No. 544.

CARRIERS OF GOODS—DUTIES OF CONNECTING LINES INTER SE.

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

This was a suit in equity by the Southern Indiana Express Company against the United States Express Company and others. A demurrer to the bill was sustained by the circuit court, and the bill dismissed (88 Fed. 659), from which order complainant appeals.

F. M. Trissal, for appellant.
Edward Daniels, for appellee.

PER CURIAM. A statement and sufficient discussion of this case will be found in the opinion of the circuit court as reported in Southern Indiana Exp. Co. v. United States Exp. Co., 88 Fed. 659. The decree sustaining the demurrer and dismissing the bill is affirmed.