

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.

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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.

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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.

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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. Shackelford, for defendant in error. Dismissed, without costs to either party, per stipulation.

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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.

STAPYLTON v. ETHERIDGE. (Circuit Court of Appeals, Fifth Circuit. February 21, 1898.) No. 578. In Error to the Circuit Court of the United States for the Southern District of Florida. John E. Hartridge, for plaintiff in error. S. J. Bowie and A. W. Cockrell, for defendant in error. Dismissed, per stipulation of counsel.

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TANGYE v. CONNER et al. (Circuit Court of Appeals, Sixth Circuit. March 7, 1899.) No. 577. Appeal from the Circuit Court of the United States for the Eastern District of Tennessee. Brown & Spurlock, for appellant. Eakin & Goree and R. L. Bright, for appellees. Dismissed, per stipulation.

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UNITED STATES v. HARSHA (three cases). (Circuit Court of Appeals, Sixth Circuit. March 7, 1899.) Nos. 592-594. In Error to the District Court of the United States for the Eastern District of Michigan. J. W. Finney, U. S. Atty. Dismissed, for want of jurisdiction, on motion of plaintiff in error's counsel.

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UNITED STATES v. J. ALLSTON NEWALL & CO. (Circuit Court of Appeals, First Circuit. March 20, 1899.) No. 284. 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. Dismissed. See 91 Fed. 525.

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VON EMPERGER v. CITY OF DETROIT. (Circuit Court of Appeals, Sixth Circuit. March 7, 1899.) No. 657. Appeal from the Circuit Court of the United States for the Eastern District of Michigan. Dickerson & Brown, for appellant. John J. Speed and Parker & Burton, for appellee. Dismissed, for failure to print record, pursuant to twenty-third rule.

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WESTERN ELECTRIC CO. v. CITIZENS' TEL. CO. et al. (Circuit Court of Appeals, Sixth Circuit. March 27, 1899.) No. 674. Appeal from the Circuit Court of the United States for the Western District of Michigan. Barton & Brown, for appellant. Bundy & Travis, Stewart & Stewart, and Charles C. Bulkley, for appellees. Dismissed, on motion of appellant. See 89 Fed. 670.

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WILSON TRANSIT CO. v. KINIRIE. (Circuit Court of Appeals, Sixth Circuit. March 31, 1899.) No. 691. In Error to the Circuit Court of the United States for the Eastern District of Michigan. Goulder & Holding, for plaintiff in error. Chadwick & McIlwain, for defendant in error. No opinion. Affirmed, with costs.