

being suicide of decedent—his death resulting by his own immediate act. The cause was decided by the supreme court of the United States in the October term, 1881. Mr. Justice *Miller* delivered the opinion, affirming the judgment of the circuit court, to the effect that where the proximate cause of death was his own act of self-destruction, superinduced by mental aberration, physical suffering, and disease, the railroad company will not be liable.

Cases cited: *Insurance Co. v. Tweed*, 7 Wall. 44; *Milwaukee & St. P. R. Co. v. Kellogg*, 94 U. S. 469; *McDonald v. Snelling*, 14 Allen, 294.

Removal of Cause—Separable Controversy.

CORBIN v. VAN BRUNT, U. S. Sup. Ct. Oct. Term, 1881. Error to the circuit court of the United States for the eastern district of New York. The case was decided in the supreme court on May 8, 1882. Mr. Chief Justice *Waite* delivered the opinion of the court, affirming the order of the circuit court.

Where the real controversy is about the right to the possession of land, and so far as the title is concerned it appears that citizens of the state in which suit is brought are the only parties interested, and they occupy both sides of that controversy, the cause is not removable under the second clause of section 2 of the act of 1875, as there are no separate controversies, such as admit of separate and distinct trials.

Randall Hagner, for plaintiff in error.

J. J. McElhone and Joseph K. McCammon, for defendants in error.

Cases cited in opinion: *The Removal Cases*, 100 U. S. 457; *Blake v. McKim*, 103 U. S. 336; *Hyde v. Ruble*, 3 Morr. Tr. 516.

Removal of Causes—Revenue Cases.

VENABLE v. RICHARDS, U. S. Sup. Ct. Oct. Term, 1881. Error to the circuit court of the United States for the eastern district of Virginia. The opinion in this case was delivered by Mr. Justice *Harlan* on May 8, 1882, affirming the judgment.

Section 643 of the Revised Statutes, providing for the removal of both civil and criminal prosecutions of a limited class arising under the laws of the United States without regard to the amount involved, is not in conflict with the act March 3, 1875, providing for the removal of civil causes to the circuit court; and the act of 1875, so far as it embraces suits arising under the laws of the United States, does not preclude a removal of a suit of the class defined in section 643.

W. P. Burwell, for plaintiff in error.

S. F. Phillips, Solicitor Gen., for defendant in error.

Patents for Inventions—Reissue, when Void.

JOHNSON v. FLUSHING & NORTH SIDE R. Co., U. S. Sup. Ct. Oct. Term, 1881. Appeal from the circuit court of the United States for the eastern district of New York. The decision was rendered on May 8, 1882. Mr. Justice *Woods* delivered the opinion of the court, affirming the decree of the circuit court. Where the original patent could not be fairly construed to embrace

the device used by the appellee, which appellants insist is covered by their reissue, if the reissued patent covers it, it is broader than the original and is therefore void. Even if a patentee has a right to a reissue if applied for in seasonable time, the right may be lost by his laches and unreasonable delay. Where it is shown that the invention which appellants contend was covered by the original patent had been in general use long before the date of its issue, the patent is invalid.

Thomas Bracken and B. F. Butler, for appellants.

Andrew McCallum and S. D. Law, for appellee.

Cases Cited in the opinion: *Giant Powder Co. v. Cal. Vigoret Powder Co.* 6 Sawy. 508; S. C. 5 Fed. Rep. 197; *Powder Co. v. Powder Works*, 98 U. S. 126; *Ball v. Langles*, 102 U. S. 128; *James v. Campbell*, 3 Morr. Tr. 438; *Miller v. Bridgeport Brass Co.* Id. 419.

Patent for Inventions—License.

MELLON *v.* DELAWARE, L. & W. R. Co., U. S. Sup. Ct. Oct. Term, 1881. Appeal from the circuit court of the United States for the western district of Pennsylvania. The decision on appeal was rendered by the supreme court of the United States on April 3, 1882, Mr. Justice *Woods* delivering the opinion, affirming the decree of the circuit court.

Where the case turns upon a single fact, as whether or not a license was absolute and unconditional, as it appears on its face, the burden of proof is on him who asserts the affirmative, and if the weight of evidence is against him the decree dismissing the bill charging an infringement will be affirmed.

H. T. Fenton and Furman Sheppard, for appellants.