

The "Garland" was seized. On the application of the Detroit River Ferry Company, the claimant, she was appraised and surrendered. The company now prays for a writ from this court to prohibit the proceedings, as beyond the jurisdiction of the District Court.

*Mr. Henry C. Wisner* for the petitioner.

*Mr. Alfred Russell, contra.*

MR. CHIEF JUSTICE WAITE delivered the opinion of the court.

This case is, in all its material facts, like that of *Ex parte Gordon, supra*, p. 515. It matters not that the amount demanded in the libel is less than \$5,000, and that consequently no appeal will lie to this court. An appeal will lie to the Circuit Court in favor of the libellant if he is defeated, and in favor of the respondent if the recovery exceeds \$50. It is no ground for relief by prohibition that provision has not been made for a review of the decision of the court of original jurisdiction, by appeal or otherwise. A prohibition cannot be made to perform the office of a proceeding for the correction of mere errors and irregularities. If there is jurisdiction, and no provision for appeal or writ of error, the judgment of the trial court is the judgment of the court of last resort, and concludes the parties. It rests with Congress to decide whether a case shall be reviewed or not.

*Writ denied.*

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#### EX PARTE HAGAR.

The District Court sitting in admiralty will not be restrained from proceeding in a suit to recover pilotage.

PETITION for a writ of prohibition.

The facts are stated in the opinion of the court.

The case was argued by *Mr. Henry G. Ward* and *Mr. Richard E. McMurtrie* for the petitioner, and by *Mr. Edward G. Bradford* and *Mr. Thomas F. Bayard, contra.*

MR. CHIEF JUSTICE WAITE delivered the opinion of the court.

This is an application by the agent of the master, part-owner, and claimant of the British ship "William Law," for a writ of prohibition to restrain the District Court of the District of Delaware, sitting in admiralty, from proceeding further in a suit pending in that court against the vessel to recover the half-pilotage, which is claimed to be due under the statutory regulations of Delaware, for refusing to accept the services of a pilot when tendered, outside of Cape Henlopen light-house, to conduct the ship to the Delaware breakwater, where she was bound for orders. It has long been settled that claims for pilotage fees are within the jurisdiction of the admiralty. *Ex parte McNeil*, 13 Wall. 236; *Hobart v. Drogan*, 10 Pet. 108. Such being the case, under the decision just rendered in *Ex parte Gordon* (*supra*, p. 515), the District Court can properly hear and decide the matters in dispute, and the application for the writ is accordingly

*Denied.*

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GOTTFRIED *v.* MILLER.

1. The right of a corporation to assign letters-patent, whereof it is the owner, is not affected by an attachment whereunder shares of its capital stock, belonging to a stockholder, were seized, and the assignment may be made by an instrument in writing not under seal.
2. A., on selling a machine containing a patented invention, warranted the title to it and the right to use it. He afterwards acquired a part interest in the letters-patent. *Held*, that the sale, so far as he is concerned, is a license to the vendee to use the machine. *Quære*, Are the other part owners estopped by the sale from setting up that by such use the letters-patent are infringed?
3. Under the contract between A. and the other part owners (*infra*, p. 525) all licenses granted by him were in effect confirmed.

APPEAL from the Circuit Court of the United States for the Eastern District of Wisconsin.

The bill of complaint alleged that Frederick Miller, the defendant, was infringing letters-patent No. 42,580, bearing date May 3, 1864, and granted to the complainants, Matthew Gottfried and John F. T. Holbeck, for an improvement in a