

Cases Omitted in the Reports.

sion of steam from the steam-chest into the oil vessel "*when tallow is used.*" Of course, when tallow is not used it has no office. It would seem, therefore, not to be an unreasonable construction of the second claim of the patent to hold that it embraces only the combination which makes up a complete lubricator. And that it does not comprehend the heating arrangement, which may or may not be used in connection with it.

It follows that the exception of the plaintiffs in error to the charge of the circuit judge cannot be sustained. The judgment is

Affirmed.

Mr. M. A. Wheaton and *Mr. Thomas T. Everett*, for plaintiffs in error. *Mr. Edmund L. Goold*, *Mr. A. H. Evans*, *Mr. Charles T. Botts* and *Mr. W. W. Boyce* for defendant in error.

STITT *v.* HUIDEKOPHER.

ERROR TO THE CIRCUIT COURT OF THE UNITED STATES FOR THE
WESTERN DISTRICT OF PENNSYLVANIA.

No. 47. October Term, 1873.—Decided October 28, 1873.

Under the circumstances, the court allows an amendment of the record, on the certificate of the court below, without issuing a writ of *certiorari*.

MOTION for *certiorari*. The case is stated in the opinion.

MR. JUSTICE CLIFFORD delivered the opinion of the court.

The motion for *certiorari* is denied. But the court, in view of the circumstances, and on the authority of the case *Woodward v. Brown and Wife*, 13 Pet. 1, allow an amendment to be made in the transcript by the entry of the judgment in the following words: "May 18, 1871. Judgment on the verdict." It appearing by the certificate of the clerk of the Circuit Court that the judgment was so entered on that day and before the granting of the writ of error, and that the words aforesaid were inadvertently omitted by the clerk of the Circuit Court in preparing the transcript.

Mr. M. C. Kerr, *Mr. G. W. Guthrie* and *Mr. E. S. Golden* for plaintiff in error. *Mr. Walter D. Davidge* for defendants in error.

After announcing its decision on this motion, the court heard argument on the same day on the merits. The case is reported 17 Wall. 384.