

This disposes of the case, and without answering specifically the questions that have been certified, we affirm the judgment.

*Judgment affirmed.*

NOTE.—In *County of Macon v. Huidekoper*, error to the Circuit Court of the United States for the Western District of Missouri, which was argued at the same time and by the same counsel as was the preceding case, MR. CHIEF JUSTICE WAITE announced the judgment of the court, as follows: A majority of the court adheres to the decision in *United States v. County of Clark* (96 U. S. 211), and I am directed to announce the affirmance of this judgment upon the authority of that case.

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TERHUNE v. PHILLIPS.

The court will take judicial notice of a thing which is in the common knowledge and use of the people through the country. It therefore holds that reissued letters-patent No. 5748, granted to Matthias Terhune Jan. 27, 1874, for an alleged new and useful improvement in corner sockets for show-cases, are void for want of novelty.

APPEAL from the Circuit Court of the United States for the Northern District of Illinois.

This was a bill in equity by Matthias Terhune against John Phillips and Wellington Phillips, praying for an injunction restraining them from using or vending, or in any manner putting into practical operation or use, the corner sockets for show-cases for an improvement in which reissued letters-patent No. 5748 had been granted to the complainant by the United States, Jan. 27, 1874.

It appears by the specification forming a part of the letters-patent that the invention for which they were granted "has for its object to provide a means for connecting the ends of the horizontal and vertical members of a show-case frame; and to that end it consists in a metallic corner-piece, provided with sockets adapted to receive the ends of the different members, whereby the same are firmly connected at the corners of the case."

The court below dismissed the bill, whereupon the complainant brought the case here.

*Mr. L. L. Coburn* for the appellant.

No counsel appeared for the appellee.

MR. JUSTICE SWAYNE delivered the opinion of the court.

The determination of this case is controlled by *Brown et al. v. Piper*, 91 U. S. 37. We cannot fail to take judicial notice that the thing patented was known and in general use long before the issuing of the patent. The substitution of metal for wood was destitute both of patentable invention and utility. The admission of improper testimony, if it occurred, was, therefore, immaterial. The case of the appellant as it appears in the record, without any testimony, is clear and conclusive against him.

*Decree affirmed.*

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ALVORD v. UNITED STATES.

1. The court announces its determination to enforce rigidly the rules requiring causes to be ready for hearing when they are reached.
2. Counsel who enter their appearance under the requirements of Rule 9 will be held responsible for all that such an entry implies, until, by substitution or otherwise, they are relieved from the obligation they have assumed.

ERROR to the Supreme Court of the Territory of Idaho.

Motion to reinstate cause dismissed under Rule 16.

*Mr. J. W. Denver* in support of the motion.

MR. CHIEF JUSTICE WAITE announced the judgment of the court.

This application comes directly within the rule laid down in *Hurley v. Jones*, 97 U. S. 318. As we took occasion to say in that case, "our rules requiring causes to be ready for hearing when reached are and will continue to be rigidly enforced." We recognize no *pro forma* attorneys of record. Counsel who enter their appearance under the requirements of Rule 9 must understand that the court will hold them responsible for all that such an entry implies until they relieve themselves from the obligation they assume, by substitution or otherwise.

*Motion denied.*