

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.*