

Humiston Vs. Stainthorp

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Court : US Supreme Court

Decided On : 1864

Appeal No. : 69 U.S. 106

Appellant : Humiston

Respondent : Stainthorp

Judgement :

Humiston v. Stainthorp - 69 U.S. 106 (1864)

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Humiston v. Stainthorp

69 U.S. (2 Wall.) 106

ERROR TO THE CIRCUIT COURT FOR

THE NORTHERN DISTRICT OF NEW YORK

SYLLABUS

A decree in chancery, awarding to a patentee a permanent injunction, and for an account of gains and profits, and that the cause be referred to a master to take and state the amount, and to report to the court, is not a final decree within the

meaning of the act of Congress allowing an appeal on a final decree to this Court.

Stainthorp and Seguire had filed a bill in the Circuit Court for the Northern District of New York against Humiston for infringing a patent for molding candles, and had obtained a decree against him.

The decree was that the complainants were entitled to a *permanent injunction*, and for an account of gains and profits, and that the cause be *referred to a master to take and state the amount and report to the court*.

A motion was now made to dismiss the cause for want of jurisdiction.

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MR. JUSTICE NELSON delivered the opinion of the Court, and after stating the case, said:

The decree is not final within the act of Congress providing for appeals to this Court according to a long and well settled class of cases, some of which we only need refer to in disposing of the case. [*](#)

Motion granted.

* [The Palmyra](#), 10 Wheat. 502; [Barnard v. Gibson](#), 7 How. 650; [Crawford v. Points](#), 13 How. 11; [Craighead v. Wilson](#), 18 How. 199; [Beebe v. Russell](#), 19 How. 283.