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**A treatise on federal practice  
in civil causes, with special  
reference to patent cases and  
the foreclosure of railway  
mortgages**

**Foster Roger**

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**Title: A treatise on federal practice in civil causes, with special reference to patent cases and the foreclosure of railway mortgages**

**Author: Foster Roger**

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A TREATISE  
ON  
FEDERAL PRACTICE IN CIVIL CAUSES

WITH SPECIAL REFERENCE TO

PATENT CASES AND THE FORECLOSURE  
OF RAILWAY MORTGAGES.

BY ROGER FOSTER,

OF THE NEW YORK BAR,

AUTHOR OF "FOSTER'S FEDERAL JUDICIARY ACTS" AND "TRIAL BY NEWSPAPER;"  
AND LECTURER ON FEDERAL JURISPRUDENCE AT THE LAW  
SCHOOL OF YALE UNIVERSITY.

IN TWO VOLUMES.

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TO

*The Memory of my Father,*

DWIGHT FOSTER,

FORMERLY JUSTICE OF THE SUPREME JUDICIAL COURT  
OF MASSACHUSETTS,

*I DEDICATE THIS BOOK,*

BEGUN AT HIS SUGGESTION,  
ALTHOUGH HE DID NOT LIVE TO CORRECT ITS FAULTS.

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## PREFACE TO SECOND EDITION.

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THE passage of the Evarts Act creating the Circuit Courts of Appeals, which radically changed the jurisdiction and practice affecting appeals and writs of error, and the many recent decisions explaining the right to and practice in removals from the State to the Federal courts, have rendered a second edition necessary. The reception given by the bench and bar to the first edition has encouraged the author to enlarge the scope, and he hopes the usefulness of the book. Many of the original sections have been rewritten, and new sections have been added to the original chapters, including all material statutes and decisions passed or reported before the October term of 1891, and many decisions since that date which have been added while the book was in the press.

New chapters have been added, on Practice in Admiralty, by Charles C. Burlingham, Esq., of the New York bar; Practice in the Court of Private Land Claims, by ex-Judge E. A. Bowers, now of the bar of Washington, D. C.; and Practice in the Court of Claims. The chapters on Jurisdiction, Evidence, Costs, Practice at Common Law, Removal of Causes, and Writs of Error and Appeals, have been entirely rewritten and nearly doubled in size. A large number of forms and rules, and a few recent statutes

have been added to the Appendix. It is hoped that the book will now serve as a full guide to the practitioner in every branch of Federal practice in civil causes.

The author has been greatly aided by the Notes to the Revised Statutes by Messrs. Gould and Tucker, and by the Important Federal Statutes Annotated, by Mr. Russell H. Curtis.

The references to the Supplement to the Revised Statutes are to the first edition.

NEW YORK, January 11, 1892.